

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**AGENDA**  
**TOWN BOARD MEETING**  
**June 10, 2025 – 7:00 p.m.**

- I. Call to Order and Pledge of Allegiance
- II. Approval of the Agenda
- III. Public Comment – *See Policy on Citizen Input and Conduct at Township Meetings.*
- IV. Reports
  - A. Sheriff's Department
  - B. Planning Commission- Dave Wheeler
- V. Permits
  - A. Smith, David, 6675 245<sup>th</sup> St. W., PID13-01500-07-010 \*Solar (ground-mounted) 3-7
- VI. Complaints
  - A. 2025-01- Follow up- 9235 Upper 240<sup>th</sup> Street W, Lakeville – Ridge Oien 11-12
  - B. 2025-02 and 2025-03- 9235 Upper 240<sup>th</sup> Street W, Lakeville- Ridge Oien 8-10
- VII. Comprehensive Plan Amendments
  - A. Planning Commission Recommendation
    - i. WSB Memorandum 13-14
    - ii. Draft Resolution of Approval 2025- 15
    - iii. Comprehensive Plan Changes Revised 16-19
  - B. Original Recommendations
    - i. Draft Resolution of Approval based on Original Recommendations 2025 21
    - ii. Comprehensive Plan- Original Recommendations 22-30
- VIII. LTS Utility CUP - PID: 13-02300-76-030
  - A. WSB Memorandum 31-34
  - B. Draft Resolution of Approval 2025- 35-36
  - C. Location Map 37
  - D. Application Packet 38-67
- XI. OMG Midwest- Mining Text Amendment
  - a. WSB Memorandum 68-74
  - b. Draft Resolution of Denial 2025- 75
  - c. Public Comment Letters 76- 124
  - d. Application Packet 125- 158
  - e. Comparison Table 159
- XII. Road Report (Ceminsky)
- XIII. Consent Agenda

- a. 5.13.2025 Town Board Minutes 160-167

XIV. Treasurer's Report

- a. May Treasurer's Report Pages 1-22
- b. Net pay and claims Pages 23-71
  - i. Net Pay: 3,898.19
  - ii. Claims: 84,545.50
  - iii. Total: 88,443.69
- c. May Disbursements \$91,480.73 & Receipts \$51,961.8 Pages 72-82
- d. Other Reports: Cash Control Statement, Schedule 1, PTO, Investments with accrued interest Pages 83-88
- e. CD/ Financial Recommendations Pages 89-90

XV. Unfinished Business

- a. *Orderly Annexation Agreements- Conversations with Cities- Attorney*
- b. *MPM Chard Mining Reclamation- Attorney*
- c. Hamburg- Chub Lake Crossing
  - i. Resolution 2025- 168-169
- d. Farmington 220<sup>th</sup> Road Agreement- Attorney 170-177
- e. Request for Bid- Roads
- f. Gravel Financing
  - i. Bonds Attorney
- g. Financial Advisor
- h. PIN-13-01100-51-013- Letter Sent- July meeting

XVI. New Business

- a. Resolution 2025- Planning Commission Meeting nights 178
- b. Dakota County Voting Equipment 179-188
- c. Microphones and Zoom

XVII. Planning Commission Tasks

XVIII. Clerk Matters

- a. Payroll deadline is July 1<sup>st</sup>, 2025, at 10am!

XIX. Adjournment

Upcoming Meetings/Dates:

- July 1, 2025, at 7pm
- July 8, 2025, at 7pm Town Board Meeting

\*\*\*\*\*  
*A quorum of the Planning Commission may be in attendance. No Planning Commission discussion or action will be taken.*

Navigate to: <https://zoom.us/j/3134376987?pwd=V3VRRkJKblUxeUY1elJBdmVNUmUrdz09>

# EUREKA TOWNSHIP

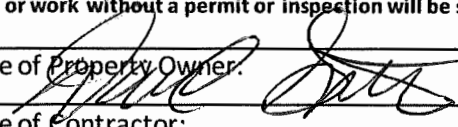
## BUILDING PERMIT APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024  
Phone: (952) 469-3736 / Email: [deputyclerk@eurekatownship-mn.us](mailto:deputyclerk@eurekatownship-mn.us)

<b>SITE INFORMATION</b>   Eureka Township		PIN# 13-01560-07-010		Permit#	
Site Address: 6675 245th St W		City Farmington		Zip 55024	
<b>PROPERTY OWNER INFORMATION</b>					
Name Dave Smith		Email dsmith7089@gmail.com		Phone 952-250-9055	
Address 6675 245th St W		City Farmington		State MN	Zip 55024
<b>APPLICANT/CONTRACTOR INFORMATION</b>					
Applicant Name Dave Smith				License Number	
Contact Person Dave Smith		Email dsmith7089@gmail.com			
Address 6675 245th St W		City Farmington		State MN	Zip 55024
Cell Phone 952-250-9055		Day Time Phone		Fax	
<b>TOWNSHIP / LOCAL GOVERNMENT</b>					
Permit complies with the Wetland Conservation Act subject to the following conditions:					
<input type="checkbox"/> Dakota County Shoreland/ Letter or Permit		<input checked="" type="checkbox"/> Vermillion River Watershed/ Letter or Permit		Date 5/19/25	
<b>PLEASE INDICATE PROJECT TYPE</b>			<b>PROVIDE THE FOLLOWING FOR NEW HOME AND AS NEEDED</b>		
<input checked="" type="checkbox"/> Residential or <input type="checkbox"/> Commercial/ Industrial			<input type="checkbox"/> Signature from Township on Building Permit Application		
<input type="checkbox"/> New Home Construction	<input type="checkbox"/> Private Dog Kennel	<input type="checkbox"/> Building Plans (Cross Section, Elevations, Floor Plan) – 2 copies			
<input type="checkbox"/> Deck	<input type="checkbox"/> Public Utility Structure	<input type="checkbox"/> Heat Loss, Combustion Air & Make-up Air Calculations– 2 copies			
<input type="checkbox"/> Accessory Bldg/Pole Shed	<input type="checkbox"/> Signs*	<input type="checkbox"/> Energy Certificate – 2 copies			
<input type="checkbox"/> Remodel	<input type="checkbox"/> Govt Bldg/Facility*	<input type="checkbox"/> Driveway Permit (Required for access to State, County, Twp. Roads)			
<input type="checkbox"/> Demolition	<input type="checkbox"/> Church/Religious Bldg*	<input type="checkbox"/> Survey / Detailed Site Plans – 2 copies			
<input type="checkbox"/> Swimming Pool	<input checked="" type="checkbox"/> Solar Energy*	<input type="checkbox"/> Erosion and Sediment Control Plans			
<input type="checkbox"/> Moving a Building	<input type="checkbox"/> Communication Tower*	<input type="checkbox"/> Complete Septic Design			
<input type="checkbox"/> Aircraft Hangar	* CUP also required	<input type="checkbox"/> New Home Checklist			
<input type="checkbox"/> Other:					
Estimated Cost of Labor & Materials: 15,000					
Project Description: ground Solar Array					

Applicant hereby agrees that, upon issuance of this permit, all work shall be done and all materials used shall be in compliance with all applicable township, city and county ordinances. The applicant agrees to abide by all zoning regulations and to utilize this structure for its permitted use. Signature of this application by the legal property owner or owner's representative is required and authorizes the Township Zoning Administrator or designee and the Building Official or designee to enter upon the property to perform needed inspections. Entry may be without prior notice.

The property owner agrees to pay all plan review fees even if he/she chooses not to proceed with the work. Permit expires when work is not commenced within 180 days from date of permit, or if work is suspended, abandoned or not inspected for 180 days. Work beyond the scope of this permit, or work without a permit or inspection will be subject to penalty.

Signature of Property Owner: 	Date:
Signature of Contractor:	Date:

# EUREKA TOWNSHIP

## BUILDING PERMIT APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024  
Phone: (952) 469-3736 / Email: [deputyclerk@eurekatownship-mn.us](mailto:deputyclerk@eurekatownship-mn.us)

### Township Use Only

The property has an existing: ☐ CUP ☐ IUP ☐ Nonconforming registration

Applicant is requesting a 60-day extension until: \_\_\_\_\_

Deputy Clerk: Amym Liberty Date: 5/20/25

☐ Complete Date: \_\_\_\_\_ ☐ Incomplete Notification sent: \_\_\_\_\_

Application Fee \$ 45.00 Paid on 5/20/25 Receipt # 154665 Check # 1017

Notes: \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation to Town Board: ☐ Approve ☐ Deny

Notes: \_\_\_\_\_

Town Board: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Approved ☐ Denied

Notes: \_\_\_\_\_

FEES AND ESCROWS	
Permit Valuation	\$
Site Inspection	\$
Land Use Permit	\$
Septic Permit	\$
Plumbing Permit	\$
-State Surcharge	\$
Mechanical Permit	\$
-State Surcharge	\$
Building Permit	\$
-State Surcharge	\$
Plan Review	\$
Penalty / Other	\$
<b>Total Fees</b>	<b>\$</b>

Building Official Approval:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Occupancy Type: \_\_\_\_\_

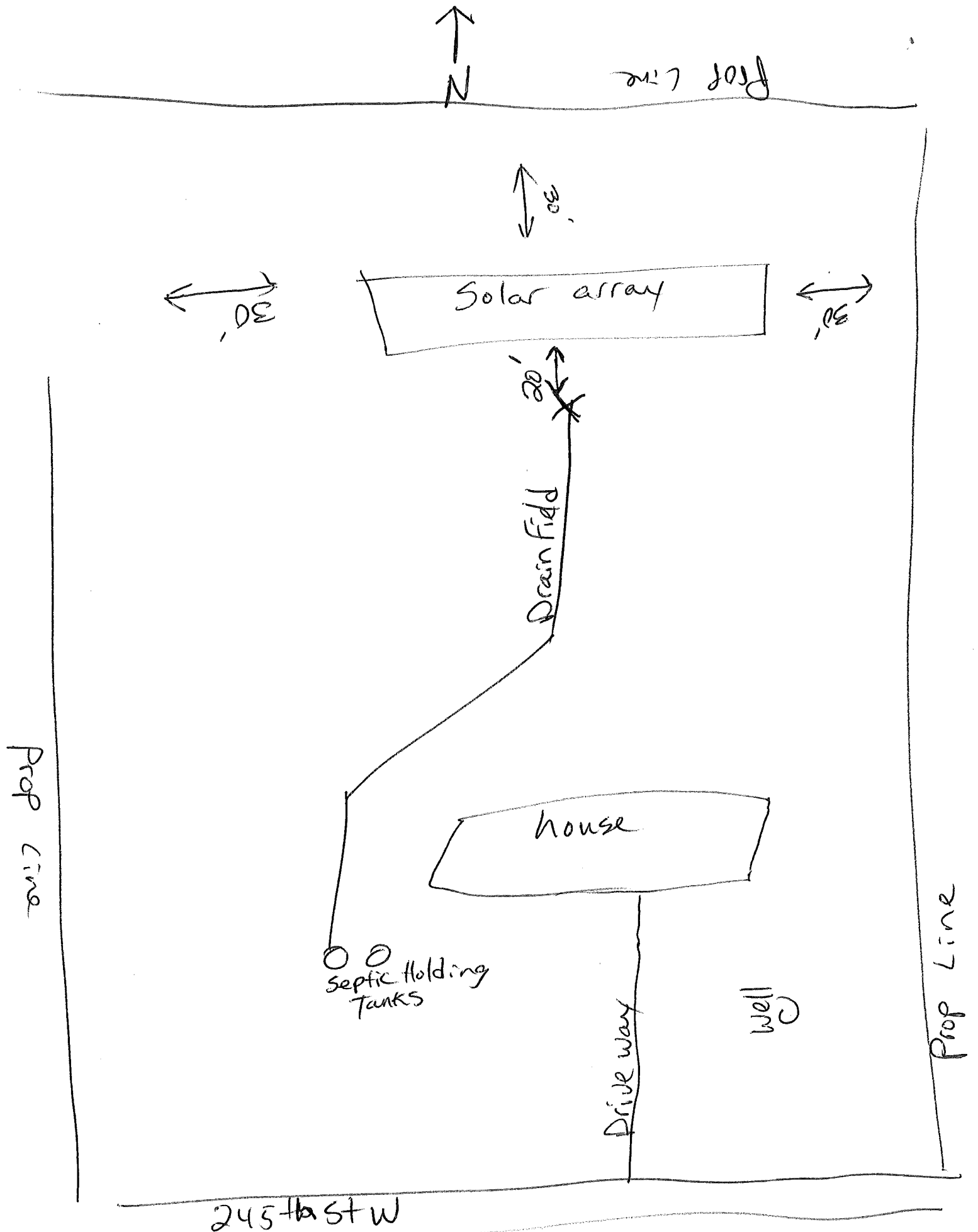
Construction Type: \_\_\_\_\_

Code Used: \_\_\_\_\_

Building Sprinkled ☐ Yes ☐ No

Total Fees Paid on \_\_\_\_\_ Receipt # \_\_\_\_\_ Check # \_\_\_\_\_





## Eureka Township Deputy Clerk

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**From:** Dunn, Jeff <Jeff.Dunn@CO.DAKOTA.MN.US>  
**Sent:** Monday, May 19, 2025 9:32 AM  
**To:** Eureka Township Deputy Clerk  
**Cc:** dsmith7089@gmail.com  
**Subject:** VRWJPO Review: Solar array at 6675 245th  
**Attachments:** image002.jpg

Hi Amy,

Based on the information that Dave Smith has provided, the proposed use as detailed on the attached will not require a Watershed and Land Disturbance permit from the VRWJPO described in the following standards:

- Land disturbing activities on slopes greater than six percent. N/A
- Greater than 100 cubic yards of imported or stockpiled material. N/A
- New public or private roads or driveways greater than 125 feet in length. N/A
- Land disturbing activities greater than 10,000 square feet of land if commercial, industrial, or recreational use development. N/A
- Filling, draining, or altering of natural or artificial stormwater storage, retention, or watercourses. N/A
- Land disturbing activities located within 150 feet of wetlands identified on or adjacent to the land disturbing activities. N/A
- Land disturbing activities that could reasonably be expected to deliver sediment to adjacent properties, wetlands, or water resources. Not anticipated

If you have any questions regarding this [exemption for a Watershed and Land Disturbance Permit](#), please let me know.

Thank you.

Jeff

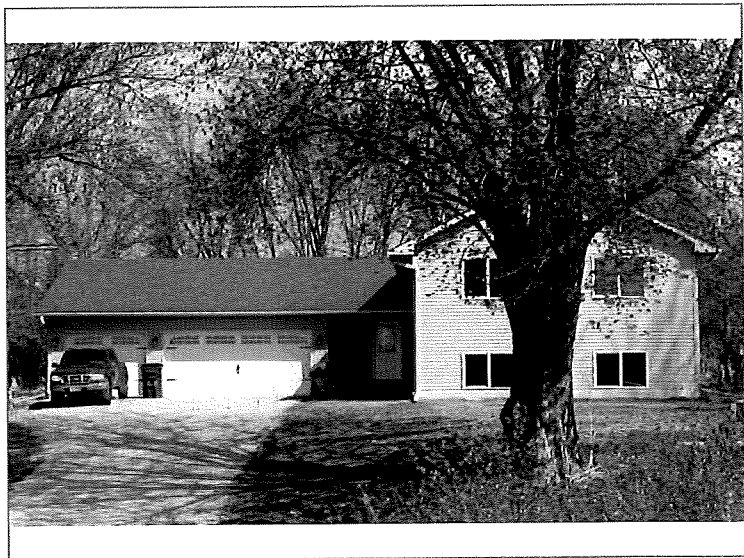
**Jeff Dunn, Water Resources Engineer**  
**Vermillion River Watershed Joint Powers Organization**  
Dakota County Extension & Conservation Center  
4100 220th St W, #103, Farmington, MN 55024  
952.891.7140 | [jeff.dunn@co.dakota.mn.us](mailto:jeff.dunn@co.dakota.mn.us)  
[vermillionriverwatershed.org](http://vermillionriverwatershed.org)



**From:** Dave Smith <dsmith7089@gmail.com>  
**Sent:** Monday, May 19, 2025 9:05 AM

<b>Property Card</b>	Parcel ID Number 13-01500-07-010
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<b>Owner Information</b>
Fee Owner DAVID W SMITH
Mailing Address 6675 245TH ST W  FARMINGTON MN 55024-8004



<b>Property Address</b>
Address 6675 245TH ST W
Municipality EUREKA TWP

Parcel Information	
Sale Date	Total Acres 0.93
Sale Value \$0.00	R/W Acres 0.10
Uses RESIDENTIAL	Water Acres
	Plat SECTION 15 TWN 113 RANGE 20
	Lot and Block 15 113 20
	Tax Description PT OF S 1/2 OF NE 1/4 BEG 840 FT W OF SE COR N 300 FT W 135 FT S 300 FT E 135 FT TO BEG

2025 Building Characteristics (payable 2026)*					
Building Type	S.FAM.RES	Year Built	2015	Bedrooms	3
Building Style	SPLIT LEVL	Foundation Sq Ft	1,340	Bathrooms	2.00
Frame	WOOD	Above Grade Sq Ft	1,340	Garage Sq Ft	720
Multiple Buildings		Finished Sq Ft	1,340	Other Garage	

Miscellaneous Information					
School District	Watershed District	Homestead	Green Acres	Ag Preserve	Open Space
192	VERMILLION RIVER	FULL HOMESTEAD			

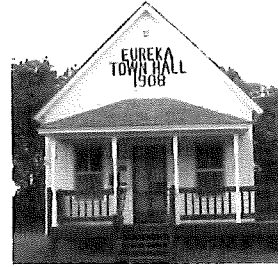
Assessor Valuation		
	Taxable	Estimated
2025 Land Values (payable 2026)	\$86,733.00	\$89,300.00
2025 Building Values (payable 2026)*	\$293,997.00	\$302,700.00
2025 Total Values (payable 2026)*	\$380,730.00	\$392,000.00
2024 Total Values (payable 2025)*	\$382,801.00	\$393,900.00

Property Tax Information		
Net Tax (payable 2025)	Special Assessments (2025)	Total Tax & Assessments (2025)
\$3,636.00	\$0.00	\$3,636.00

\* Manufactured Homes Payable the Same Year as Assessment.

*Disclaimer:* Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

***Eureka Township***  
***Dakota County***  
***State of Minnesota***



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25043 Cedar Avenue, Farmington, MN 55024-9670  
(952) 469-3736 / [clerk@eurekamn.gov](mailto:clerk@eurekamn.gov)

May 20, 2025

Ridge Oien  
9235 Upper 240<sup>th</sup> Street W  
Lakeville, MN 55044

RE: Complaints 2025-02 and 2025-03

Dear Mr. Oien,

The purpose of this letter is to advise you that the Town Board has received two complaints regarding animals, vehicles and parking on your property and on the Township roads. These complaints will be on the Town Board agenda for the June 10, 2025, meeting at 7pm.

Should you have any questions regarding this letter please call the Eureka Town Hall at 952-469-37365 or email me at [clerk@eurekamn.gov](mailto:clerk@eurekamn.gov)

Sincerely,

Liz Atwater  
Eureka Township  
Clerk/Treasurer

Complaint # \_\_\_\_\_ 2025-02 \_\_\_\_\_

## OFFICIAL COMPLAINT FORM FOR ORDINANCE VIOLATIONS

### Complaint Lodged against/Location of Complaint:

Address: 9235 Upper 240th St W	
Owner Name: Ridge Oien	Phone (if known):
Operator Name (if mining):	Phone (if known):
Ordinance being violated: 177-3 Public nuisance affecting health. Code/Ch 177: Nuisances/Ch 177 Art I: Public Nuisances	
Date of Offense: Every day	Time:
Details of Complaint: As of today, there are at least 9 cats; 2 of which are pregnant and appear to be ready to give birth at any time that come onto my property 9230 240th St W daily, multiple times per day searching for food and attention. They are malnourished, evidently not being taken care of and fighting each other for food. I have spent hundreds if not thousands of dollars feeding these poor animals that were extremely under weight. I have reported this to the humane society, worked with the sheriff's dept but told the Eureka ordinance were not up to date. I talked to Allen about this and I believe he helped get the updates necessary for the sheriff's dept to enforce properly. One of the cats harmed my 10 year old son. I would expect these cats are not up to date on their shots based on the comments from Ridge to the sheriff's dept. They are not neutered or spayed and continuing to reproduce. Last year, there were at least 13 cats in total that came onto our property and we took 4 cats, 2 of which were very young and pregnant to an animal shelter. I have taken 2 to the vet because they were in very bad shape. The vet was appalled at the cats conditions. Something needs to be done before diseases start and spread to our animals or others in the neighborhood.	



Complaint # 2025-03

**OFFICIAL COMPLAINT FORM FOR ORDINANCE VIOLATIONS**

**Complaint Lodged against/Location of Complaint:**

Address: 9235 Upper 240th St W	
Owner Name: Ridge Oien	Phone (if known):
Operator Name (if mining):	Phone (if known):
Ordinance being violated: 198-4 Parking / 240-18 G. Parking / 177-3 B. L. N. X. / 177-6 A.	
Date of Offense: Ongoing	Time:
Details of Complaint: Ridge continues to be in violation of a court order exceeding the number of vehicles allowed on his property. He uses the street and dead end of the street as his own personal parking lot for large commercial vehicles, work trucks, heavy machinery, etc. There are massive amounts of dead tree trunks brought in weekly and piled up; also an attempt to line the north property line with very large tree trunks. Junk cars, spare car/junk yard type parts, tires, all piling up again. Several animals, starved and hungry for attention running at large at all hours of the day.	

May 21, 2025

Mr. Ridge Oien  
9235 Upper 240<sup>th</sup> Street West  
Lakeville, MN 55044

Re: *Eureka Township v. Ridge Oien*  
Court File No. 19HA-CV-22-3155

Dear Mr. Oien:

As you know, our law firm represents Eureka Township (“Township”). The purpose of this letter is to put you on notice that you are in violation of the Settlement Agreement incorporated in the Order for Dismissal filed in the above-referenced matter on September 25, 2023. I am enclosing a copy of the Order for Dismissal with the Settlement Agreement attached thereto.

Although you were initially compliant with the terms of the Settlement Agreement, complaints from residents and personal observations by Township officials have confirmed that you are currently in violation of the Settlement Agreement. In particular, you have permitted excessive number of vehicles, trucks, trailers, and illegal exterior storage to be present on your property located at 9235 Upper 240<sup>th</sup> Street West. You should also be aware the Township considers your parking cars, trucks and trailers on the street adjacent to your property as a violation of the Settlement Agreement. The excessive number of your vehicles, trucks, trailers and other illegal exterior storage are violations of Sections 184-4, 240-18G and 177-6 of the Township’s ordinances.

Please be advised that if all the illegally parked or stored vehicles, trailers, trucks and other illegal outdoor storage is not removed from your property and the adjacent street by June 3, 2025, I will be asking the Court to hold you in contempt, seek an order requiring your compliance and also ask for an award of costs and attorneys’ fees as permitted under the terms of the Settlement Agreement.

You should also be aware that other additional violations of the Township’s ordinances have been observed on your property. Such violations include but are not limited to the massive amounts of wood brought onto your property and apparently turned in large piles of mulch . A number of animals have also been observed either being kept on your property or allowed to illegally roam on your property.

The Town Board would like you to attend its meeting on June 10, 2025, to discuss your anticipated compliance with the Settlement Agreement as outlined herein as well as the additional violations that have been observed on your property. If you refuse to meet with the Town Board, the Township intends to pursue all available remedies to ensure your compliance with the Settlement Agreement and the Township's ordinances.

KENNEDY & GRAVEN, CHARTERED

Sincerely,

*Robert A. Alsop*

Robert A. Alsop

RAA  
Enclosure

cc: Township



## **Planning Memorandum**

**DATE:** June 4, 2025

**TO:** Eureka Township Board of Supervisors

**FROM:** Nate Sparks, Town Planner

**RE:** Plan Amendments

### **BACKGROUND**

The Township has been engaged in a public process related to the establishment of a Commercial-Industrial land use designation within the Comprehensive Plan. Also, the Township has been evaluating the possibility of introducing situations where greater residential density could be allowed in limited cases. The existing Comprehensive Plan would require amendments to allow these changes to occur. The Planning Commission held a public hearing on May 27. The amendments are now available for review by the Town Board.

### **EXISTING LAND USE MAP**

The Existing Land Use Map is proposed for revision to more fully reflect different uses that are present in the Township. The map identifies locations where existing businesses are. It also combines certain categories of uses.

### **AGGREGATE RESOURCES MAP**

The current plan has the aggregate resources placed on the Future Land Use Map. A new map just showing this has been made.

### **COMMERCIAL-INDUSTRIAL LAND USE**

The current Comprehensive Plan does not allow for the establishment of a Commercial-Industrial designation. The proposed amendments would allow for this. Text justifying the location and types of uses has been prepared. There were existing land use policies that were moved into this section on Pages 3-11 and 3-12.

### **FUTURE LAND USE MAP**

The map was updated to show areas where this land use could be placed. It was attempted to make this area as precise as possible, as to not give the appearance of excessive use of this land use designation. Too much commercial-industrial could be viewed as out of character with the Agricultural designation that the Town has to follow per the Met Council rules. A limited amount could be viewed as being compatible.

### **RESIDENTIAL DENSITY**

The current plan speaks of "one house per quarter quarter" in multiple places. This corresponds with the existing Town zoning. Changing this to 1 unit per 40 acres allows the Township to consider alternative density zoning in certain areas that can be defined through a Township zoning amendment process. This would allow for the Town to possibly identify areas of alternative zoning standards in certain instances. The transfer of development rights program is still listed in the plan.

The Planning Commission recommended these changes be removed from the amendment.

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission held a public hearing and recommended to the Town Board that the Commercial-Industrial land use amendments be approved.

**NEXT STEPS**

If approved by the Town Board, the plan would be submitted for the requisite review and comment procedure and then formally submitted to the Metropolitan Council.

***Eureka Township***

*Dakota County*

*State of Minnesota*

**RESOLUTION 2025-**

**RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO  
ESTABLISH A COMMERCIAL-INDUSTRIAL LAND USE DESIGNATION**

**WHEREAS**, Eureka Township (the “Township”) adopted a Comprehensive Plan (the “Plan”) in accordance with all relevant requirements that was placed into effect on May 17, 2018; and

**WHEREAS**, in the northern portion of the Township there are several existing business type uses; and

**WHEREAS**, the Township is seeking to amend the Plan to include a new land use designation for Commercial-Industrial land use within the vicinity of these existing uses; and

**WHEREAS**, this designation will allow for the Township to properly create zoning mechanisms to contain business uses within this designated area; and

**WHEREAS**, this action will allow the Township to preserve its rural character; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on May 27, 2025 and recommended approval of the amendments; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of Supervisors of Eureka Township hereby approved the attached Comprehensive Plan amendments and authorizes Town Staff to take the necessary steps to submit the amendments for review, comment, and consideration of approval.

Whereupon the Chairperson declared the Resolution to be duly passed and adopted on

June 10, 2025 by the Eureka Town Board.

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Town Board Chair

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Liz Atwater, Clerk/Treasurer

## ***Commercial-Industrial Land Use***

Eureka Township supports agricultural uses as the primary long-term land use within the community. The Town also seeks to permit agricultural-supportive land uses in this plan. To this end, the Town has identified areas where there are existing Commercial-Industrial businesses and areas that would allow for future businesses to be established.

Some Agricultural/Horticultural service establishments are now allowed in the Township with a Conditional Use Permit. Eureka Township will be establishing a Commercial-Industrial zoning district for the purpose of establishing new commercial-industrial businesses that are supportive of the agricultural nature of the Township and serve community needs.

The areas where commercial-industrial businesses may be located are depicted on the Future Land Use map. These areas were identified as properties near existing business uses and also along transportation corridors that can serve higher intensity uses. Uses that are within character of and serving the needs of the agricultural and residential nature of the community may be permitted by zoning within these areas. Such uses may include horticultural uses, agricultural processing, transportation, repair, storage, supportive sales, off-site service uses, and other similar types. Uses that require urban levels of services should not be located in these areas. Uses permitted by zoning should not be out of character with the nature of the vicinity.

If not utilized as a Commercial-Industrial use, these properties should continue to be used in a manner consistent with the Agricultural designation.

Commercial-industrial land use shall utilize the Commercial-Industrial Land Use Policies:

- a. The type and location of new commercial-industrial development should not substantially change the rural-agricultural character of the Township or jeopardize existing agricultural enterprises in the Township.
- b. New commercial-industrial development should occur in a manner that allows the Township to retain control over zoning and permitting, to include control over the type, size, and location of such businesses.
- c. New commercial-industrial development should minimize the conflict between commercial-industrial uses and other land uses.
- d. New commercial-industrial development should serve the needs of Eureka Township residents.
- e. New commercial-industrial development should be aesthetically pleasing. Strict performance standards must be created and enforced for building exteriors, parking, landscaping, ingress/egress routes, signage, screening/buffering, and other considerations.
- f. New commercial-industrial development must pay for the costs of its development, including public infrastructure necessary for the development.
- g. New commercial-industrial development must provide financial benefit to the Township through gained tax revenue.
- h. New commercial-industrial development should not have an adverse impact on the quality of life of Eureka residents. In determining quality of life impacts, such things as traffic

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congestion, noise, light pollution, objectionable odors, health risks, and safety risks should be considered.

i. New commercial-industrial development should not have an adverse impact on environmental quality. In determining environmental quality impacts, such things as air pollution, water quality, and wildlife habitat should be considered.

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### **Existing Provisions and Studies**

~~Some Agricultural/Horticultural service establishments are now allowed in Eureka Township with a Conditional Use Permit. Eureka Township does not have a Commercial Industrial zoning district.~~

~~In 2011, Eureka Township convened a task force to consider the potential need to designate areas in the township for commercial and industrial uses. The Task Force completed a Market Study for commercial and industrial uses in the Township, completed a Township wide survey of landowners to determine interest in zoning areas for those uses, and met with representatives of the Metropolitan Council to discuss regional policies and requirements for designation of new zoning districts. The Task Force findings and recommendations included the following:~~

- ~~■ The Market Study found little interest in commercial and industrial development in the Township in the near term. This is due in part to the availability of over 300 acres of land that is ready for sale or lease for commercial and industrial development that has existing sewer and water services in nearby Lakeville and Farmington.~~
- ~~■ The Township will need to identify its own "market niche" if it intends to compete for new commercial and industrial land uses with neighboring communities.~~
- ~~■ The Task Force noted that the landowners that identified interest in potential development of new commercial and industrial uses are scattered throughout the Township. There is no concentration of interest that would allow identification of a potential zoning district for new commercial and industrial uses.~~
- ~~■ Based on the study findings, the Task Force recommended that the Township not proceed at this time to identifying areas to zone for commercial and industrial development. The Task Force recommended that this could be studied in the future as market conditions and interests change.~~

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### **Aggregate Extraction**

Aggregate resources are part of Eureka Township's natural resource base, and are discussed in the Natural Resources section of the Comprehensive Plan (Chapter 2). The general location of the aggregate resources in the Township is identified on the 2040 Land Use Map. Mining of aggregate is allowed in the Township with an Interim Use Permit. The Eureka Township Mining Ordinance provides the standards for mining operations.

Land use staging in areas with aggregate resources- to first consider the potential of an area for aggregate mining before urban development occurs - may become of greater importance in the future if the Township moves forward with planning for a future commercial-industrial area. Under the 2040 Land Use Plan and existing agricultural zoning, aggregate resources are adequately protected.

The Natural Resource Goals and Policies in Chapter 2, as well as the Land Use Goals and Policies

## Goals and Policies

The following goals and policies will guide local decision-making related to land use.

### Land Use Goals

1. Allow land uses that will maintain Eureka Township's rural character.
2. Encourage protection of priority natural areas and natural resource corridors through local land use decisions.
3. Promote the continuation of agriculture as the primary land use.
4. Allow limited non-farm development provided that the negative impacts are minimized primarily within areas identified as Commercial-Industrial on the Land Use Map.
5. Maintain the geographic boundaries of the Township.
6. Provide for the economic availability, removal and processing of sand, gravel, and other aggregate materials vital to the economic well-being of the region.
7. Protect solar resources and permit and regulate development of accessory residential and agricultural solar energy systems in the Township.

### Policies

To achieve these goals, the Township will:

1. Maintain Eureka Township's agricultural zoning of one housing unit per ~~quarter-quarter section~~ 40 acres.
2. Discourage pipelines, power lines, and other utility uses which fragment the Township's agricultural land, natural resources, aggregate resources, or that would otherwise be in conflict with the goals of the Comprehensive Plan.
3. Maintain the Township's transfer of housing rights program to achieve the following goals:
  - a. The program should be useful in achieving the goals of the Comprehensive Plan.
  - b. The program should help relieve development pressure on large blocks of agricultural property.
  - c. The program should allow property owners to gain revenue by selling housing rights.
  - d. The program should be compatible with the Metropolitan Ag Preserves Program. Property owners should continue to have choices to use their land in ways that maintain eligibility in Ag Preserves.
  - e. The program should protect opportunities for efficient and cost-effective land development for a time when public sewer and water services may become available. Such opportunities include the creation of a suitable commercial/industrial area in the Township.

- ~~f. The program should be understandable by citizens.~~
  - ~~g. The program should respect landowners' rights to use their land in a way that does not significantly harm others' property nor the community's health, safety, welfare and morals.~~
  - ~~h. Administration of the program should not create an undue burden on Township government.~~
4. Use Township Ordinances to minimize the visual and environmental impacts of development.
  5. Continue to allow agricultural/horticultural businesses and home occupations in a manner consistent with the Comprehensive Plan.
  6. ~~Conduct thorough study before guiding land for commercial industrial use. Any future updates to the zoning ordinance that would affect commercial industrial land use shall utilize the Commercial Industrial Land Use Policies:~~
    - ~~a. The type and location of new commercial industrial development should not substantially change the rural agricultural character of the Township or jeopardize existing agricultural enterprises in the Township.~~
    - ~~b. New commercial industrial development should occur in a manner that allows the Township to retain control over zoning and permitting, to include control over the type, size, and location of such businesses.~~
    - ~~c. New commercial industrial development should minimize the conflict between commercial industrial uses and other land uses.~~
    - ~~d. New commercial industrial development should serve the needs of Eureka Township residents.~~
    - ~~e. New commercial industrial development should be aesthetically pleasing. Strict performance standards must be created and enforced for building exteriors, parking, landscaping, ingress/egress routes, signage, screening/buffering, and other considerations.~~
    - ~~f. New commercial industrial development must pay for the costs of its development, including public infrastructure necessary for the development.~~
    - ~~g. New commercial industrial development must provide financial benefit to the Township through gained tax revenue.~~
    - ~~h. New commercial industrial development should not have an adverse impact on the quality of life of Eureka residents. In determining quality of life impacts, such things as traffic congestion, noise, light pollution, objectionable odors, health risks, and safety risks should be considered.~~
    - ~~i. New commercial industrial development should not have an adverse impact on environmental quality. In determining environmental quality impacts, such things as air pollution, water quality, and wildlife habitat should be considered.~~





***Eureka Township***

*Dakota County*

*State of Minnesota*

**RESOLUTION 2025-**

**RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO  
ESTABLISH A COMMERCIAL-INDUSTRIAL LAND USE DESIGNATION**

**WHEREAS**, Eureka Township (the “Township”) adopted a Comprehensive Plan (the “Plan”) in accordance with all relevant requirements that was placed into effect on May 17, 2018; and

**WHEREAS**, in the northern portion of the Township there are several existing business type uses; and

**WHEREAS**, the Township is seeking to amend the Plan to include a new land use designation for Commercial-Industrial land use within the vicinity of these existing uses; and

**WHEREAS**, this designation will allow for the Township to properly create zoning mechanisms to contain business uses within this designated area; and

**WHEREAS**, the amendment to the plan also includes clarifications to the residential land use density requirements; and

**WHEREAS**, these actions will allow the Township to preserve its rural character; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on May 27, 2025; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of Supervisors of Eureka Township hereby approved the attached Comprehensive Plan amendments and authorizes Town Staff to take the necessary steps to submit the amendments for review, comment, and consideration of approval.

Whereupon the Chairperson declared the Resolution to be duly passed and adopted on

June 10, 2025 by the Eureka Town Board.

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Town Board Chair

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Liz Atwater, Clerk/Treasurer

## Regional Setting

### **Location**

Eureka Township is located in the southwestern corner of Dakota County, Minnesota, on the fringe of suburban development in the Minneapolis-St. Paul metropolitan region. Eureka Township includes nearly thirty-six square miles, an area established through the U.S. Public Land Survey System (PLSS). The PLSS was a method used to survey lands in the Midwest and Western United States during the mid-1800s.

Unlike many townships in the metropolitan region which have had boundary changes over the years as nearby cities annexed land, Eureka Township's political boundaries largely remain along the PLSS boundaries.

### **Regional Planning Designation**

*Thrive MSP* designates Eureka Township as an Agricultural community (Figure 1). Agricultural communities include areas with prime agricultural soils that are planned and zoned for long-term agricultural use. Regional policies expect Agricultural communities to limit residential development and adopt zoning ordinances and land use controls to maintain residential densities no greater than 1 housing unit per 40 acres on average. Agricultural communities are expected to manage land uses to prevent the premature demand of extension of urban services, so that existing service levels will meet demands.

Eureka Township's Zoning Ordinance limits density to one single-family dwelling unit per ~~each quarter-quarter section~~ 40 acres, except for areas of the Township where the zoning designation allows for greater density. In no case will the average density of new development within the Township exceed one dwelling unit per 40 acres. The Township has adopted this density standard to be consistent with its classification as an Agricultural community and to preserve eligibility for the Agricultural Preserves program for parcels in the Agriculture District.

The Agricultural community designation is consistent with the Township's Strategic Vision, Zoning Ordinance and its goals and policies included in this 2040 Comprehensive Plan Update.

Eureka Township is strategically positioned to serve the growing demand for local agricultural products.

- Eureka's convenient location within the metropolitan region is a natural fit for the local foods movement.
- The Township has a diversity of farms already growing food for Twin Cities' farmers' markets and grocery stores.
- As the metropolitan area becomes more culturally diverse, farmers from immigrant communities are introducing their cultures' farming methods, crops, and markets. This diversity in farming contributes to Eureka Township's agricultural character.
- Nurseries are growing trees and other landscaping materials, serving local as well as wider markets.



Eureka's location at the edge of the metropolitan region presents challenges as well as assets for farmers. Potential barriers for farmers of small scale and large scale operations alike include:

- High land and housing costs for new-entry farmers
- Active farmers reaching retirement age without a "next generation" farmer to take over the farm
- Lack of nearby processing facilities and farm-related services
- Lack of housing for seasonal workers and intern/apprentice housing
- Limited options for sale of products within Eureka Township (roadside stands or local market)
- Conflicts between agricultural and residential land uses.

The Township seeks to support farms as viable businesses in Eureka Township, while also protecting the general health, safety and welfare of the community. The Township's land use regulatory authority can be used to help farmers capitalize on opportunities and overcome challenges. At the foundation of the Township's endorsement of farming is the agricultural zoning of one dwelling unit per 40 acresquarter quarter section. As changes in the agricultural industry unfold, the Township will examine its policies and ordinances to avoid unintended or overly-burdensome restrictions that hinder the economic viability of farming.

Animal feedlots are part of Eureka Township's agricultural base and contribute to the continued economic viability of agriculture in the Township. The Township plans to continue to allow for animal feedlots in Eureka while ensuring that feedlots are properly managed to protect public health and to maintain compatible land use relationships. Eureka Township's Zoning Ordinance contains standards for feedlot operations, including setbacks and animal waste management practices.

1. Maintain Eureka Township's agricultural zoning of one housing unit per quarter-quarter-section 40 acres.
2. Continue to support the Right to Farm when using generally accepted agricultural practices. The Township recognizes that with farming come smell, noise, dust, and slow-moving vehicles.
3. Limit the subdivision of the Township's farmland for housing and other non-farm land uses. Allow limited non-farm development provided that the impact on other land uses is minimized.
4. Provide information to residents of the potential conflicts or incompatibilities that can arise between development and agricultural uses.
5. Provide for adequate separation of new non-farm houses from existing confined animal feedlots or manure storage facilities.
6. Use local ordinances to support the commercial viability of farming.
7. Work with County and State officials to improve programs that assess farmland at a lower tax rate.
8. Encourage enrollment in farmland preservation programs.
9. Encourage units of government, institutions, or other entities doing business in Eureka Township to consider local agricultural products when making purchasing decisions.
10. Be receptive to adjusting local ordinances so that local farms can adapt to new trends in farming.
11. Avoid fragmentation of farmland in order to support a "critical mass" of farms, making farming activity more viable in the Township through the zoning ordinance requirement for a minimum of one single-family dwelling unit per each quarter-quarter section.
12. Utilize Township Ordinances to properly manage animal feedlots in order to protect public health and to maintain compatible land use relationships.

### ***Cultural Resources Goal***

1. Encourage the preservation of historic sites, including structures that contribute to the rural character of the Township.

### **Policies**

To achieve this goal, the Township will:

1. Encourage private owners to restore historically significant buildings.
2. Encourage the preservation and/or rehabilitation of structures that contribute to the rural character of the Township, such as barns and silos.

### ***Agriculture Land Use, Zoning, and Permitted Uses***

The Township's land use goals and policies place priority on protecting its rural and agricultural character and promoting the economic viability of farming operations in the Township. The Land Use Plan guides the long-term land use in Eureka to continue as Agriculture through 2040. The goals and policies in the Natural, Agricultural and Cultural Resources chapter are consistent with the goals and policies for Land Use.

All of Eureka Township is included in the Agriculture Zoning District identified in its Zoning Ordinance, and consistent with the Land Use Plan adopted in the 2030 Comprehensive Plan and proposed for the 2040 Plan. The district allows the following uses: all forms of commercial agriculture and horticulture; farm buildings, accessory structures, and drainage systems; forestry, grazing and gardening; public natural areas and parks, recreation areas and preserves; single-family residential units and accessory structures; historic structures; home occupations; and private dog kennels. Uses permitted with a Conditional Use Permit include: churches, cemeteries, airports, schools, local government facilities and other government-owned facilities; agriculture service buildings, public utilities, Wind Energy Conversion Systems (WECS), wireless communication towers and facilities. Uses permitted with an interim use permit include: mining and extraction operations, airstrips, and automotive graveyards that comply with the ordinance.

### ***Residential Land Use***

#### **Density**

Eureka Township is designated as an Agricultural Area for regional planning purposes by the Metropolitan Council. Regional policy includes guidance that the Agricultural areas should develop at a density of no greater than one dwelling unit per 40 acres. Eureka Township's 2040 Land Use Plan and agricultural zoning of one dwelling unit per quarter-quarter section 40 acres, except for areas of the Township where the zoning designation allows for greater density. With the stipulation that in no case will the average density of new development within the Township exceed one dwelling unit per 40 acres.

It is important to note that there are residential lots in Eureka Township that were created before the ~~one unit per quarter-quarter 40 acres zoning~~ restriction came into effect. Some of these lots have existing housing units while others do not. The Township and Metropolitan Council have recognized that there are lots of record in Eureka Township that do not meet the density standards of today's zoning ordinance, but that such lots may still have grandfathered housing rights. The Township's zoning and land use policies support an average maximum density of ~~one dwelling unit per quarter-quarter section 40 acres~~, and are which is consistent with Regional policies.

### **Regional Growth Forecasts-Township's Land Use Plan Consistent with Forecast Growth**

Through its Strategic Vision process completed in 2007, the Township made considerable efforts to identify the number of unused housing rights in order to understand the Township's growth potential. The Strategic Vision report identified were approximately 280 unused housing rights available in the Township. The Housing Eligibilities Transfer Task Force (2013) completed a follow-up inventory, and found that there are at least 200 eligible housing rights remaining in the Township.

## **Commercial-Industrial Land Use**

Eureka Township supports agricultural uses as the primary long-term land use within the community. The Town also seeks to permit agricultural-supportive land uses in this plan. To this end, the Town has identified areas where there are existing Commercial-Industrial businesses and areas that would allow for future businesses to be established.

Some Agricultural/Horticultural service establishments are now allowed in the Township with a Conditional Use Permit. Eureka Township will be establishing a Commercial-Industrial zoning district for the purpose of establishing new commercial-industrial businesses that are supportive of the agricultural nature of the Township and serve community needs.

The areas where commercial-industrial businesses may be located are depicted on the Future Land Use map. These areas were identified as properties near existing business uses and also along transportation corridors that can serve higher intensity uses. Uses that are within character of and serving the needs of the agricultural and residential nature of the community may be permitted by zoning within these areas. Such uses may include horticultural uses, agricultural processing, transportation, repair, storage, supportive sales, off-site service uses, and other similar types. Uses that require urban levels of services should not be located in these areas. Uses permitted by zoning should not be out of character with the nature of the vicinity.

If not utilized as a Commercial-Industrial use, these properties should continue to be used in a manner consistent with the Agricultural designation.

Commercial-industrial land use shall utilize the Commercial-Industrial Land Use Policies:

- a. The type and location of new commercial-industrial development should not substantially change the rural-agricultural character of the Township or jeopardize existing agricultural enterprises in the Township.
- b. New commercial-industrial development should occur in a manner that allows the Township to retain control over zoning and permitting, to include control over the type, size, and location of such businesses.
- c. New commercial-industrial development should minimize the conflict between commercial-industrial uses and other land uses.
- d. New commercial-industrial development should serve the needs of Eureka Township residents.
- e. New commercial-industrial development should be aesthetically pleasing. Strict performance standards must be created and enforced for building exteriors, parking, landscaping, ingress/egress routes, signage, screening/buffering, and other considerations.
- f. New commercial-industrial development must pay for the costs of its development, including public infrastructure necessary for the development.
- g. New commercial-industrial development must provide financial benefit to the Township through gained tax revenue.
- h. New commercial-industrial development should not have an adverse impact on the quality of life of Eureka residents. In determining quality of life impacts, such things as traffic

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congestion, noise, light pollution, objectionable odors, health risks, and safety risks should be considered.

i. New commercial-industrial development should not have an adverse impact on environmental quality. In determining environmental quality impacts, such things as air pollution, water quality, and wildlife habitat should be considered.

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### **Existing Provisions and Studies**

~~Some Agricultural/Horticultural service establishments are now allowed in Eureka Township with a Conditional Use Permit. Eureka Township does not have a Commercial Industrial zoning district.~~

~~In 2011, Eureka Township convened a task force to consider the potential need to designate areas in the township for commercial and industrial uses. The Task Force completed a Market Study for commercial and industrial uses in the Township, completed a Township wide survey of landowners to determine interest in zoning areas for those uses, and met with representatives of the Metropolitan Council to discuss regional policies and requirements for designation of new zoning districts. The Task Force findings and recommendations included the following:~~

- ~~■ The Market Study found little interest in commercial and industrial development in the Township in the near term. This is due in part to the availability of over 300 acres of land that is ready for sale or lease for commercial and industrial development that has existing sewer and water services in nearby Lakeville and Farmington.~~
- ~~■ The Township will need to identify its own "market niche" if it intends to compete for new commercial and industrial land uses with neighboring communities.~~
- ~~■ The Task Force noted that the landowners that identified interest in potential development of new commercial and industrial uses are scattered throughout the Township. There is no concentration of interest that would allow identification of a potential zoning district for new commercial and industrial uses.~~
- ~~■ Based on the study findings, the Task Force recommended that the Township not proceed at this time to identifying areas to zone for commercial and industrial development. The Task Force recommended that this could be studied in the future as market conditions and interests change.~~

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### **Aggregate Extraction**

Aggregate resources are part of Eureka Township's natural resource base, and are discussed in the Natural Resources section of the Comprehensive Plan (Chapter 2). The general location of the aggregate resources in the Township is identified on the 2040 Land Use Map. Mining of aggregate is allowed in the Township with an Interim Use Permit. The Eureka Township Mining Ordinance provides the standards for mining operations.

Land use staging in areas with aggregate resources- to first consider the potential of an area for aggregate mining before urban development occurs - may become of greater importance in the future if the Township moves forward with planning for a future commercial-industrial area. Under the 2040 Land Use Plan and existing agricultural zoning, aggregate resources are adequately protected.

The Natural Resource Goals and Policies in Chapter 2, as well as the Land Use Goals and Policies

## Goals and Policies

The following goals and policies will guide local decision-making related to land use.

### Land Use Goals

1. Allow land uses that will maintain Eureka Township's rural character.
2. Encourage protection of priority natural areas and natural resource corridors through local land use decisions.
3. Promote the continuation of agriculture as the primary land use.
4. Allow limited non-farm development provided that the negative impacts are minimized primarily within areas identified as Commercial-Industrial on the Land Use Map.
5. Maintain the geographic boundaries of the Township.
6. Provide for the economic availability, removal and processing of sand, gravel, and other aggregate materials vital to the economic well-being of the region.
7. Protect solar resources and permit and regulate development of accessory residential and agricultural solar energy systems in the Township.

### Policies

To achieve these goals, the Township will:

1. Maintain Eureka Township's agricultural zoning of one housing unit per quarter-quarter section 40 acres.
2. Discourage pipelines, power lines, and other utility uses which fragment the Township's agricultural land, natural resources, aggregate resources, or that would otherwise be in conflict with the goals of the Comprehensive Plan.
3. Maintain the Township's transfer of housing rights program to achieve the following goals:
  - a. The program should be useful in achieving the goals of the Comprehensive Plan.
  - b. The program should help relieve development pressure on large blocks of agricultural property.
  - c. The program should allow property owners to gain revenue by selling housing rights.
  - d. The program should be compatible with the Metropolitan Ag Preserves Program. Property owners should continue to have choices to use their land in ways that maintain eligibility in Ag Preserves.
  - e. The program should protect opportunities for efficient and cost-effective land development for a time when public sewer and water services may become available. Such opportunities include the creation of a suitable commercial/industrial area in the Township.



- f. The program should be understandable by citizens.
  - g. The program should respect landowners' rights to use their land in a way that does not significantly harm others' property nor the community's health, safety, welfare and morals.
  - h. Administration of the program should not create an undue burden on Township government.
4. Use Township Ordinances to minimize the visual and environmental impacts of development.
  5. Continue to allow agricultural/horticultural businesses and home occupations in a manner consistent with the Comprehensive Plan.
  6. ~~Conduct thorough study before guiding land for commercial industrial use. Any future updates to the zoning ordinance that would affect commercial industrial land use shall utilize the Commercial Industrial Land Use Policies:~~
    - a. ~~The type and location of new commercial industrial development should not substantially change the rural agricultural character of the Township or jeopardize existing agricultural enterprises in the Township.~~
    - b. ~~New commercial industrial development should occur in a manner that allows the Township to retain control over zoning and permitting, to include control over the type, size, and location of such businesses.~~
    - c. ~~New commercial industrial development should minimize the conflict between commercial industrial uses and other land uses.~~
    - d. ~~New commercial industrial development should serve the needs of Eureka Township residents.~~
    - e. ~~New commercial industrial development should be aesthetically pleasing. Strict performance standards must be created and enforced for building exteriors, parking, landscaping, ingress/egress routes, signage, screening/buffering, and other considerations.~~
    - f. ~~New commercial industrial development must pay for the costs of its development, including public infrastructure necessary for the development.~~
    - g. ~~New commercial industrial development must provide financial benefit to the Township through gained tax revenue.~~
    - h. ~~New commercial industrial development should not have an adverse impact on the quality of life of Eureka residents. In determining quality of life impacts, such things as traffic congestion, noise, light pollution, objectionable odors, health risks, and safety risks should be considered.~~
    - i. ~~New commercial industrial development should not have an adverse impact on environmental quality. In determining environmental quality impacts, such things as air pollution, water quality, and wildlife habitat should be considered.~~

## **EUREKA TOWNSHIP MEMORANDUM**

**To:** Eureka Town Board  
**From:** Hannah Rybak, WSB  
**Date:** June 4, 2025  
Town Board Meeting June 10, 2025  
**WSB Project No.** 027571-000, Phase 003  
**Request:** **Request for approval of a conditional use permit to allow a fiberoptic utility compound to be constructed at the property located at PID: 13-02300-76-030.**

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### **GENERAL INFORMATION**

**Applicant:** Sam Davis, LTS Communications  
**Owner:** Michelle Nicolai  
**Location:** Southwest of the intersection of 255th St. W and Essex Ave.  
PID: 13-02300-76-030  
**Existing Land Use / Zoning:** Agriculture; zoned Agricultural District  
**Surrounding Land Use / Zoning:** North: Agriculture; zoned Agricultural District  
East: Residential; zoned Agricultural District  
South: Agriculture; zoned Agricultural District  
West: Agriculture; zoned Agricultural District  
**Comprehensive Plan:** The Comprehensive Plan 2040 guides this property for Agricultural land use.  
**Deadline for Agency Action:** Application Date: 05-01-25  
60 Days: 06-29-25  
Extension Letter Mailed: N/A  
120 Days: 08-28-25

### **CONSIDERATIONS RELATING TO THE REQUEST**

#### **1. Overview.**

The Applicant is requesting a conditional use permit (CUP) to allow the construction of an unmanned fiber optic utility compound. The proposed use would fall under “public utility and public service structures” which are conditional uses in the Agricultural District. Public utility is defined in the Town Code as follows: “Persons, corporations, or governments

supplying gas, electric, transportation, water, or landline telephone service to the general public.”

The MN Commerce Department approved a Certificate of Authority for LTS Telecommunications Services Inc. to offer “Local Niche Service” on a statewide basis. “Local Niche Service” is defined as follows: *“Local niche service” refers to point-to-point connections between end-user locations within a service area and any telecommunications services under the commission’s jurisdiction that do not fall within the definition of local service or the definition of interexchange service.*

The purpose of the proposed installation is to construct an Integrated Line Amplifier (ILA) station to provide a quality signal between data centers. The Applicant provided the following statement related to the purpose of the application:

*The fiber infrastructure requires placement of line amplifiers that helps improve the network by providing additional signal stability, help carry information, and reduce latency. These routes are part of the fiber optic backbones that help facilitate modern day communications. This purpose of this application is to place a utility compound and fiber optic equipment shelter for the line amplifying equipment.*

*This fiber infrastructure can be viewed in a similar way to the previous telephone lines using copper to carry information and data. Communication infrastructure has now turned to fiber to be able to handle the capacity and speeds required by current technology. Most people and operations today use all kinds of internet applications to communicate (i.e. phone calls, video calls, streaming, emails, messaging).*

*This project would not be a direct fiber connect for Eureka residents, however overall data services would be enhanced by the in-line-amplifier (ILA).*

The Applicant will be leasing a 300’ x 300’ easement area from the property owner. The proposed infrastructure is located in the northeast corner of the easement area. The site plan shows a proposed building pad and a secondary building pad for a future building. The current proposed building is 23’ 8” x 36’, and will be approximately 13 feet tall. The future building will be the same size or slightly smaller than the proposed first building.

The proposed installation includes a proposed generator and associated pad, as well as a secondary generator pad for a future generator. The generators would be utilized only in emergency situations or loss of power. The generators would be tested quarterly for a short period of time during each test. The generators would not be contained inside of a structure. The project also includes connections into the right of way for an electrical power source and fiber optics.

The 300’ x 300’ easement area would be enclosed by a security fence. The fence would consist of a 8-foot chain link fence with three strands of barb wire at the top. Overall fence height would be 9 feet. The proposed fencing is compliant with Article IX: Fences.

The proposed site lighting includes building mounted lighting over each access door. The lighting would be hooded and directed downward, and the lighted area would not exceed the boundaries of the easement area. The proposed lighting is compliant with Section 240-55: Lighting.

## 2. Ordinance Authority.

*Chapter 240, Section 7 Agricultural District* provides the allowable uses in the Agricultural District.

*Chapter 240, Section 12 Setbacks and Lot Dimensions*, provides minimum setback requirements.

*Chapter 240, Section 31 Conditional Use Permits* provides requirements for the issuance of conditional use permits.

*Chapter 240, Article IX* provides requirements for fences.

## 3. Consistency of the Request with the Standards for Granting a Conditional Use Permit

- 1) *The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The proposed utility compound will not create a burden on any public facilities or utilities. The installation of the in-line amplifier would enhance overall data services. **Criterion met.**

- 2) *The use will be sufficiently compatible with or separated by adequate distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.*

The easement area is located over 500 feet from the only immediately adjacent dwelling. In addition to the distance, there is a stand of existing trees on the residential property that will add a visual barrier.

The generators on site would be used only in emergency or power outage situations, and the noise level is minimal. Documentation for the proposed model of Generac generator provided indicate noise levels of between 72 and 77 dB(A), which is comparable to a vacuum cleaner or the noise created by a vehicle driving 65 mph, from a distance of 25 feet away.

It is not anticipated that the utility compound will negatively impact any adjacent properties. **Criterion met.**

- 3) *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.*

The visual impact of the chain link fence surrounding the easement area will be minimal. Each proposed building totals 846 square feet. The color of the buildings will be neutrals; either gray or tan. This is a small installation in the context of the 39 acre site. **Criterion met.**

- 4) *The use is reasonably related to the existing land use.*

The proposed public utility use is an allowable conditional use within the Agricultural District. **Criterion met.**

- 5) *The use is consistent with the purpose of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.*

The plans for the utility compound comply with all relevant Zoning Ordinance requirements. **Criterion met.**

- 6) *The use is not in conflict with the Comprehensive Plan of the Township.*

**Criterion met.**

- 7) *The use will not cause traffic hazards or congestion.*

The compound will be unmanned, so vehicle trips to and from the site will be extremely minimal. **Criterion met.**

#### 4. Review by Other Jurisdictions

The plans were provided to the following jurisdictions:

- Dakota County Physical Development Division – No permits necessary from the county.
- North Cannon River Watershed – The NCRWMO does not issue grading permits. Be sure to follow Eureka Township Ordinance Chapter 120 related to erosion control and stormwater management.
- Dakota County Access Permit required
- Dakota County ROW Permit required

#### PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the application and held the public hearing at their June 3, 2025 meeting. Several neighboring property owners spoke at the public hearing to ask questions.

The Planning Commission voted unanimously to recommend **approval** of the requested conditional use permit to allow the proposed fiberoptic compound to be constructed at the subject property, subject to the following conditions:

1. A building permit shall be obtained prior to construction of the equipment shelter.
2. A separate building permit shall be required prior to construction of the second equipment shelter. The second equipment shelter must be in substantial conformance with the plans provided with this application. The size shall not exceed 852 square feet and 13 feet in height, unless a conditional use permit amendment has been approved.
3. The fencing shall be installed as shown, and shall comply with all requirements of Article IX: Fences.
4. The lighting shall be installed as shown, and shall comply with Section 240-55: Lighting.
5. The noise generated from the site shall comply with all requirements of Chapter 173: Noise, and MPCA noise requirements.

6. Any generator malfunction or damage should be immediately addressed by LTS Communications, to ensure that noise generated does not exceed allowable levels.

#### **POTENTIAL ACTION**

1. **Approval (with or without conditions) of the Request.** In the event of a decision for approval (with or without conditions), the Town Board may refer to the resolution that was included in your packet.
2. **Denial of the Request.** In the event of a decision for denial, the Town Board should direct staff to prepare a resolution for denial, and should clearly state its reasoning.
3. **Request Additional Information and Continue the Meeting.** The Applicant appears to have provided enough information for the Town Board to make a decision to approve or deny the request. Should the Town Board request additional information from the Applicant, the Town Board should continue the meeting until a later time.

#### **ATTACHMENTS**

Draft Resolution of Approval  
Location Map  
Application Packet

***Eureka Township***

*Dakota County*

*State of Minnesota*

**RESOLUTION 2025-**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A  
FIBEROPTIC UTILITY COMPOUND TO BE CONSTRUCTED AT THE PROPERTY  
LOCATED AT PID: 13-02300-76-030**

**WHEREAS**, Eureka Township received a request from the Applicant, Derrick Warren/Sam Davis, LTS Communications, on behalf of property owner Michelle Nicolai, on May 1, 2025, for a conditional use permit to allow a fiberoptic utility compound to be constructed at the subject property;

Property is legally described as:

THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF  
SECTION 23, TOWNSHIP 113, RANGE 20, DAKOTA COUNTY, MINNESOTA

**WHEREAS**, the proposed use would fall under “public utility and public service structures” which are conditional uses in the Agricultural District; and

**WHEREAS**, the Planning Commission reviewed and considered the request based on the related documents shown in the application at their meeting on June 3, 2025; and

**WHEREAS**, the Town Board reviewed the application and considered the reports, documents and other materials presented; and

**WHEREAS**, the Town Board can approve a conditional use permit if it finds that the standards for granting a conditional use permit as described in Chapter 240, Section 31 of the Eureka Town Code have been met.

**NOW, THEREFORE, BE IT RESOLVED**, that the Eureka Town Board approves the Applicant’s request for a conditional use permit to allow a fiberoptic utility compound to be constructed at the subject property, as shown on the plans submitted with the application.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town Board’s approval of the conditional use permit is contingent on the following:

1. A building permit shall be obtained prior to construction of the equipment shelter.

2. A separate building permit shall be required prior to construction of the second equipment shelter. The second equipment shelter must be in substantial conformance with the plans provided with this application. The size shall not exceed 852 square feet and 13 feet in height, unless a conditional use permit amendment has been approved.
3. The fencing shall be installed as shown, and shall comply with all requirements of Article IX: Fences.
4. The lighting shall be installed as shown, and shall comply with Section 240-55: Lighting.
5. The noise generated from the site shall comply with all requirements of Chapter 173: Noise, and MPCA noise requirements.
6. Any generator malfunction or damage should be immediately addressed by LTS Communications, to ensure that noise generated does not exceed allowable levels.

Whereupon the Chairperson declared the Resolution to be duly passed and adopted on \_\_\_\_\_, 2025 by the Eureka Town Board.

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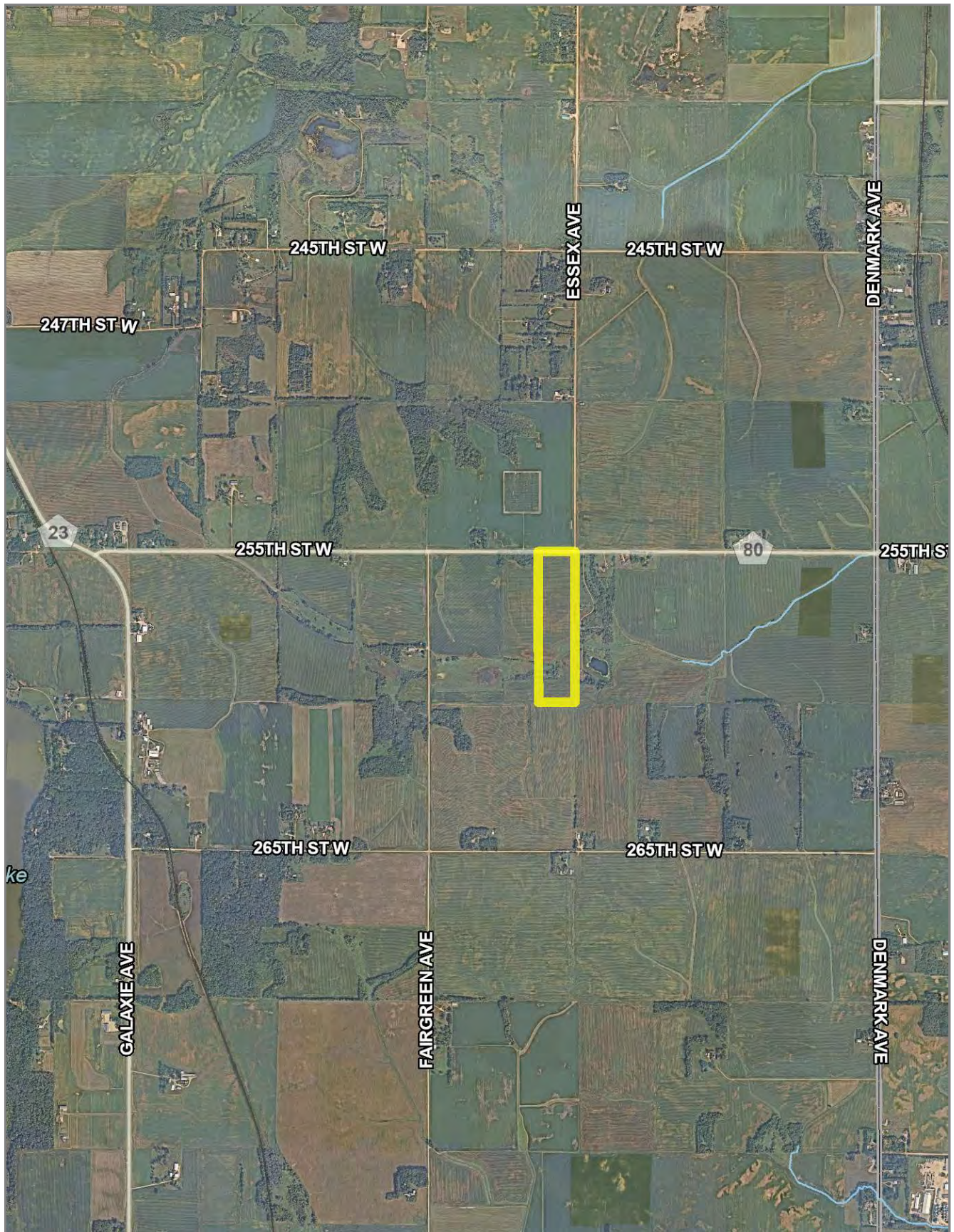
Town Board Chair

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Liz Atwater, Clerk/Treasurer



## LTS Communications CUP



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed.  
This is not a legal document and should not be substituted for a title search, appraisal, survey, or  
for zoning verification.

Map Scale  
1 inch = 2400 feet  
5/28/2025



# EUREKA TOWNSHIP

## LAND USE / ZONING REQUEST APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024  
Phone: (952) 469-3736 / Email: [deputyclerk@eurekamn.gov](mailto:deputyclerk@eurekamn.gov)

<b>SITE INFORMATION   Eureka Township</b>		PIN# 130230076030		Permit#
Site Address: 255th St W		City Eureka		Zip 55024
<b>PROPERTY OWNER INFORMATION</b>				
Name Michelle Nicolai		Email michelleanicolai@gmail.com		Phone 651-402-4117
Address 23380 AUDREY AVE		City FARMINGTON	State MN	Zip 55024
Cell Phone 651-402-4117		Day Time Phone		Fax
<b>PLEASE INDICATE TYPE OF REQUEST</b>				
<input checked="" type="checkbox"/> Conditional Use Permit (CUP) <input type="checkbox"/> Interim Use Permit (IUP) <input type="checkbox"/> Variance		<input type="checkbox"/> Non-Conforming Use <input type="checkbox"/> Expansion <input type="checkbox"/> Alteration		
<b>NATURE OF REQUEST</b>				
Specific description of request and reason for request (number and attach additional sheets if necessary):  <p>The proposed easement will be used to for an in-line-amplifier hut to boost the signal to the MMI internet network in conjunction with the fiber optic cables within the right of way. The only utilities that are proposed will be connection to a power source from the nearest power supplier and fiber optics to the ROW. All utilities will be contained within the MMI easement area.</p> <p>Cite the specific ordinance(s) under which you are making your request:</p> <p>240-7,C:3 - Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications and equipment and buildings, pumping stations and reservoirs.</p> <p>Describe the present use(s) of the property:</p> <p>Agricultural</p>				

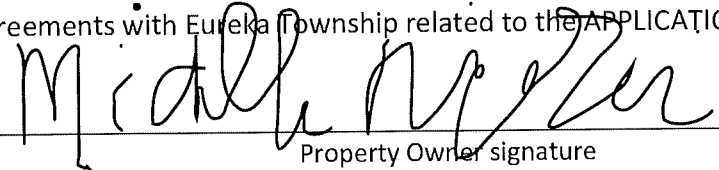
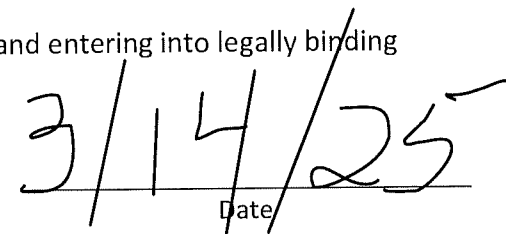
Signature of Applicant: *Michelle Nicolai MN* Date: 03/10/2025

Printed name of Applicant: Michelle Nicolai

# EUREKA TOWNSHIP

## Representative Authorization Form

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024  
Phone: (952) 469-3736 / email: [deputyclerk@eurekatownship-mn.us](mailto:deputyclerk@eurekatownship-mn.us)

<b>SITE INFORMATION   Eureka Township</b>		PIN# 130230076030		Permit#	
Site Address: 255th St W		City Farmington		Zip 55024	
<b>PROPERTY OWNER INFORMATION</b>					
Name Michelle Nicolai		Email michelleanicolai@gmail.com		Phone 651-402-4117	
Address 23380 Audrey Ave		City Farmington		State MN	Zip 55024
<b>REPRESENTATIVE INFORMATION</b>					
Name LTS - Derrick Warren		Email derrick.warren@ledcor.com			
Address 1300 Timber Row		City Murrells Inlet		State SC	Zip 29576
Cell Phone 803-960-1135		Day Time Phone		Fax	
<p>By signing this document, I/We the above-named PROPERTY OWNER(S) hereby legally authorize the REPRESENTATIVE named above to act on my/our behalf before Eureka Township Planning Commission, Town Board and/or Board of Adjustments and Appeals in all matters related to my/our APPLICATION for:</p> <p style="text-align: center;">Conditional Use Permit - March 10 2025</p> <p style="text-align: center;">(Include Type and date of application for the property involved)</p> <p>This authorization includes answering questions about the APPLICATION and entering into legally binding agreements with Eureka Township related to the APPLICATION.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">               _____              Property Owner signature         </div> <div style="text-align: center;">               _____              Date         </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">             _____              Property Owner signature         </div> <div style="text-align: center;">             _____              Date         </div> </div>					

Township Use Only	
<p><b>Received by:</b></p> <p><b>Zoning Administrator:</b> _____ <b>Date:</b> _____</p> <p><b>Notes:</b></p>	

<b>Property Card</b>	Parcel ID Number 13-02300-76-030
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<b>Owner Information</b> Fee Owner MICHELLE NICOLAI  Mailing Address 23380 AUDREY AVE  FARMINGTON MN 55024	
<b>Property Address</b> Address  Municipality EUREKA TWP	

Parcel Information		
Sale Date		Total Acres 39.30
Sale Value \$0.00		R/W Acres 0.49
Uses AG-AG PRESERVE		Water Acres
		Plat SECTION 23 TWN 113 RANGE 20
		Lot and Block 23 113 20
		Tax Description E 1/2 OF E 1/2 OF SE 1/4

2025 Building Characteristics (payable 2026)*		
Building Type	Year Built 0	Bedrooms
Building Style	Foundation Sq Ft	Bathrooms
Frame	Above Grade Sq Ft	Garage Sq Ft
Multiple Buildings	Finished Sq Ft	Other Garage

Miscellaneous Information					
School District 192	Watershed District NORTH CANNON RIVER	Homestead NON HOMESTEAD	Green Acres	Ag Preserve Y	Open Space

Assessor Valuation		
	Taxable	Estimated
2025 Land Values (payable 2026)	\$353,500.00	\$353,500.00
2025 Building Values (payable 2026)*	\$0.00	\$0.00
2025 Total Values (payable 2026)*	\$353,500.00	\$353,500.00
2024 Total Values (payable 2025)*	\$336,800.00	\$336,800.00

Property Tax Information		
Net Tax (payable 2025) \$1,564.00	Special Assessments (2025) \$0.00	Total Tax & Assessments (2025) \$1,564.00

\* Manufactured Homes Payable the Same Year as Assessment.

*Disclaimer:* Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

## Sam Davis

---

**From:** McDaniels, Dee <Dee.McDaniels@CO.DAKOTA.MN.US>  
**Sent:** Wednesday, April 23, 2025 1:17 PM  
**To:** Sam Davis  
**Cc:** Tim Miller; Derrick Warren; Braxton Doshier; Greg Warford  
**Subject:** RE: Dakota County, North Cannon Watershed - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** CRITICAL

CAUTION: This email was sent from outside of Ledcor's network. Please be careful while clicking links, opening attachments, or replying to this email.

Sam:

No permits are necessary from the County; however, you will need to contact the North Cannon River Watershed to see if they require a grading permit at [victoria.ranua@co.dakota.mn.us](mailto:victoria.ranua@co.dakota.mn.us) or 651-480-7717.

Dee McDaniels  
Environmental Specialist, Water Resources



### Physical Development Division

P 952-891-7024  
W [www.dakotacounty.us](http://www.dakotacounty.us)  
A 14955 Galaxie Avenue, Apple Valley, MN 55124



**From:** Sam Davis <Sam.Davis2@ledcor.com>  
**Sent:** Wednesday, April 23, 2025 12:45 PM  
**To:** McDaniels, Dee <Dee.McDaniels@CO.DAKOTA.MN.US>  
**Cc:** Sam Davis <Sam.Davis2@ledcor.com>; Tim Miller <Tim.Miller@ledcor.com>; Derrick Warren <Derrick.Warren@ledcor.com>; Braxton Doshier <Braxton.Doshier@ledcor.com>; Greg Warford <C.Greg.Warford@ledcor.com>  
**Subject:** Dakota County, North Cannon Watershed - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

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**WARNING: External email. Please verify sender before opening attachments or clicking on links.**

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Hi @dee.mcdaniels@co.dakota.mn.us – we are in the process starting a CUP with Eureka Township for our project. They indicated that our project is in the North Cannon River Watershed and directed me to contact you to determine if any permits would be necessary. Please let me know if you have any questions or if we can provide any additional information.

**Location:** County Road 80 / 255<sup>th</sup> St W (address TBD)  
**Coordinates:** 44.579432, -93.177685

Our project is for an unmanned fiber optic equipment shelter and utility compound. Attached is a site plan sketch of the project – our compound area would be grubbed, graded and leveled with an aggregate/graveled base.

**What's being built?**



## Sam Davis

---

**From:** Ranua, Victoria <Victoria.Ranua@CO.DAKOTA.MN.US>  
**Sent:** Wednesday, April 23, 2025 2:28 PM  
**To:** Sam Davis  
**Cc:** Tim Miller; Derrick Warren; Braxton Doshier; Greg Warford  
**Subject:** RE: North Cannon Watershed, Grading permit question - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

**Categories:** CRITICAL

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Sam,

Thanks for reaching out and being proactive. The North Cannon River Watershed Management Organization does not issue grading permits, however, please review Eureka Township Ordinance Chapter 120 relayed to erosion control and stormwater management. <https://ecode360.com/EU4016/search?query=grading&scope=all&sortOrder=relevance&selections=>

Thanks,

### Victoria Ranua

Watershed Coordinator | Dakota County SWCD  
Administrator via SWCD | E-IGHWMO and NCRWMO  
Office: (651) 480-7717 | Cell: (218) 750-3386  
[victoria.ranua@co.dakota.mn.us](mailto:victoria.ranua@co.dakota.mn.us)  
4100 220<sup>th</sup> Street West | Farmington, MN 55024 | [www.dakotaswcd.org](http://www.dakotaswcd.org)  
**Partners in Land & Water Conservation**    



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**From:** Sam Davis <Sam.Davis2@ledcor.com>  
**Sent:** Wednesday, April 23, 2025 1:44 PM  
**To:** Ranua, Victoria <Victoria.Ranua@CO.DAKOTA.MN.US>  
**Cc:** Sam Davis <Sam.Davis2@ledcor.com>; Tim Miller <Tim.Miller@ledcor.com>; Derrick Warren <Derrick.Warren@ledcor.com>; Braxton Doshier <Braxton.Doshier@ledcor.com>; Greg Warford <C.Greg.Warford@ledcor.com>  
**Subject:** North Cannon Watershed, Grading permit question - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

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**WARNING: External email. Please verify sender before opening attachments or clicking on links.**

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Hi @victoria.ranua@co.dakota.mn.us – Dee McDaniels directed me to contact you to ask if any grading permits would be needed for our project in Eureka Township. Dee informed me that no permits would be required from Dakota County and I am working on a CUP application with Eureka Township.

**Location:** County Road 80 / 255<sup>th</sup> St W (address TBD)  
**ParcelID:** 130230076030  
**Coordinates:** 44.579432, -93.177685

Our project is for an unmanned fiber optic equipment shelter and utility compound. Attached is a site plan sketch of the project – our compound area would be grubbed, graded and leveled with an aggregate/graveled base.

**What's being built?**





Sam Davis

**From:** Bentley, Todd <Todd.Bentley@CO.DAKOTA.MN.US>  
**Sent:** Thursday, April 24, 2025 2:23 PM  
**To:** Sam Davis  
**Subject:** FW: Dakota County Rd 80, Access Driveway - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN  
**Attachments:** Castle Rock MN - Michelle Nicolai 255th St W 300'x300' PRELIM LE - Copy.pdf; aerial-rd80.jpg  
**Categories:** CRITICAL

**CAUTION:** This email was sent from outside of Ledcor’s network. Please be careful while clicking links, opening attachments, or replying to this email.

Hi Sam,

All you need from Dakota County is an access permit on our online permit system and submit a drawing.

Todd (T.J.) Bentley  
Right of Way and Permits Manager

  
Transportation  
2800 160<sup>th</sup> St. W  
Rosemount, MN 55068  
952-891-7115  
[todd.bentley@co.dakota.mn.us](mailto:todd.bentley@co.dakota.mn.us)

**From:** Laberee, Erin <Erin.Laberee@CO.DAKOTA.MN.US>  
**Sent:** Wednesday, April 23, 2025 2:43 PM  
**To:** Bentley, Todd <Todd.Bentley@CO.DAKOTA.MN.US>  
**Cc:** Howard, Todd <Todd.Howard@CO.DAKOTA.MN.US>  
**Subject:** FW: Dakota County Rd 80, Access Driveway - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

Hi TJ,  
  
Could you look into this request below?  
  
Thank you,  
  
Erin

**From:** Sam Davis <[Sam.Davis2@ledcor.com](mailto:Sam.Davis2@ledcor.com)>  
**Sent:** Wednesday, April 23, 2025 9:50 AM  
**To:** Hwy <[Hwy@CO.DAKOTA.MN.US](mailto:Hwy@CO.DAKOTA.MN.US)>  
**Cc:** Laberee, Erin <[Erin.Laberee@CO.DAKOTA.MN.US](mailto:Erin.Laberee@CO.DAKOTA.MN.US)>; Tim Miller <[Tim.Miller@ledcor.com](mailto:Tim.Miller@ledcor.com)>; Sam Davis <[Sam.Davis2@ledcor.com](mailto:Sam.Davis2@ledcor.com)>; Derrick Warren <[Derrick.Warren@ledcor.com](mailto:Derrick.Warren@ledcor.com)>; Greg Warford <[C.Greg.Warford@ledcor.com](mailto:C.Greg.Warford@ledcor.com)>; Braxton Doshier <[Braxton.Doshier@ledcor.com](mailto:Braxton.Doshier@ledcor.com)>  
**Subject:** Dakota County Rd 80, Access Driveway - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

**WARNING:** External email. Please verify sender before opening attachments or clicking on links.

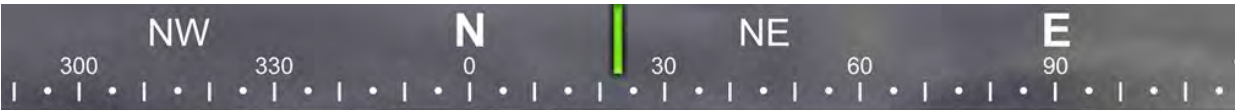
Good morning – we are in process of initiating a CUP with Eureka Township and they directed us to contact Dakota County regarding a driveway permit for our project. Below is more project detail – but

please give me an email or call back so we can confirm if a permit is needed. And, if needed, what additional detail you need for review. Please let me know if you have any questions.

**Location:** County Road 80 / 255<sup>th</sup> St W (address TBD)  
**Coordinates:** 44.579432, -93.177685

Our project is for an unmanned fiber optic equipment shelter and utility compound. The access driveway would be for initial construction and then occasional maintenance as required at the site. Attached is a general site plan and a few images of current conditions. We are proposing to utilize the current field access drive from the RoW to the property.

Initial site plan is for a 16’ aggregate driveway. No water or sewer utilities are needed at the site. Power will be coordinated and brought to the site (TBD). There is an existing fiber line here as well.



POS: 44.579947°, -93.178943° ±9ft ALT: 1031ft



Nicolai SCIP

Castle Rock, MN  
17 Dec 2024, 12:18:53



POS: 44.579943°, -93.178498° ±13ft ALT: 1028ft



Nicolai SCIP

Castle Rock, MN  
17 Dec 2024, 12:19:25

Thank you,

**Sam J. Davis**  
Project Permitting – Site Infrastructure  
LTS Managed Technical Services  
14400 The Lakes Blvd. Suite 100 Bldg C, Pflugerville, TX 78660  
w 859-286-8160  
[www.ledcor.com](http://www.ledcor.com)

**FORWARD. TOGETHER.**

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**CUP Application narrative:** The fiber infrastructure requires placement of line amplifiers that helps improve the network by providing additional signal stability, help carry information, and reduce latency. These routes are part of the fiber optic backbones that help facilitate modern day communications. This purpose of this application is to place a utility compound and fiber optic equipment shelter for the line amplifying equipment.

This fiber infrastructure can be viewed in a similar way to the previous telephone lines using copper to carry information and data. Communication infrastructure has now turned to fiber to be able to handle the capacity and speeds required by current technology. Most people and operations today use all kinds of internet applications to communicate (i.e. phone calls, video calls, streaming, emails, messaging).

This project would not be a direct fiber connect for Eureka residents, however overall data services would be enhanced by the in-line-amplifier (ILA).



## SITE INFORMATION:

SITE ADDRESS: 255TH STREET W  
FARMINGTON, MN 55024

PROPERTY OWNER: MICHELLE NICOLAI  
23380 AUDREY AVENUE  
FARMINGTON, MN 55024

**ZONING:**  
JURISDICTION: EUREKA TOWNSHIP  
ZONE: AGRICULTURAL DISTRICT  
SETBACKS:  
FRONT: 110' FROM CENTERLINE OF COUNTY ROAD  
SIDE: 30'  
REAR: 30'

ZONING DATA OBTAINED FROM THE EUREKA TOWNSHIP WEBSITE.

## SURVEYOR'S NOTES:

THIS SPECIFIC PURPOSE ALTA SURVEY IS FOR THE LEASE PREMISES AND EASEMENTS ONLY.

SUBJECT PROPERTY HAS ACCESS TO 255TH STREET W, A DULY DEDICATED PUBLIC RIGHT-OF-WAY VIA AN ACCESS EASEMENT.

NO PARKING SPACES WERE OBSERVED ON SURVEYED LAND.

ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/NSPS SPECIFICATIONS UNLESS OTHERWISE SHOWN.

BEARING BASIS: MINNESOTA DOT DAKOTA COUNTY, NAD 83 (2011).

ELEVATIONS ARE BASED ON NAVD88.

SURVEYOR IS NOT AWARE OF ANY CURRENT OR FUTURE RIGHT OF WAY CHANGES. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED AT TIME OF SURVEY.

AT THE TIME OF SURVEY, NO EVIDENCE OF RECENT EARTH MOVING WORK, DRILLING OR BUILDING CONSTRUCTION WERE OBSERVED.

THE SURVEYOR WAS NOT PROVIDED WITH EVIDENCE OF ANY APPURTENANT OFFSITE EASEMENT(S).

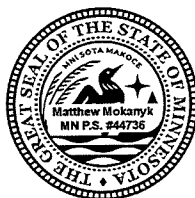
ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS. A ZONING LETTER WAS NOT PROVIDED.

NO ADDRESS OBSERVED AT TIME OF SURVEY.

## CERTIFICATION:

TO LEDCOR TECHNICAL SERVICES; MIDDLE MILE INFRASTRUCTURE, LLC; AND FIDELITY NATTILE INSURANCE CO.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2021, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7A, 7(B)(1), 7(C), 8, 9, 13, 14, 16, 17, 18, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 18, 2025. I HEREBY CERTIFY THAT THIS SURVEY PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.



04/10/2025  
DATE



MANAGED BY:



LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78650

PREPARED FOR:



MICHELLE NICOLAI

255TH STREET W.  
FARMINGTON, MN 55024

## LEGAL DESCRIPTIONS:

PARENT PARCEL (AS PROVIDED, DEED INSTRUMENT NO. 3430092)  
REAL PROPERTY IN DAKOTA COUNTY, MINNESOTA, LEGALLY DESCRIBED AS FOLLOWS:

THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 113, RANGE 20, DAKOTA COUNTY, MINNESOTA.

### M.M.I. EASEMENT AREA (AS SURVEYED):

PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 00°16'49" EAST ALONG THE EAST LINE OF SAID 1/4 SECTION A DISTANCE OF 110.00 FEET; THENCE SOUTH 89°48'59" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 300.00 FEET; THENCE SOUTH 89°48'59" WEST A DISTANCE OF 300.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 300.00 FEET; THENCE NORTH 89°48'59" EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. CONTAINING 90,000 SQUARE FEET OR 2.066 ACRES.

### M.M.I. ACCESS EASEMENT - (AS SURVEYED):

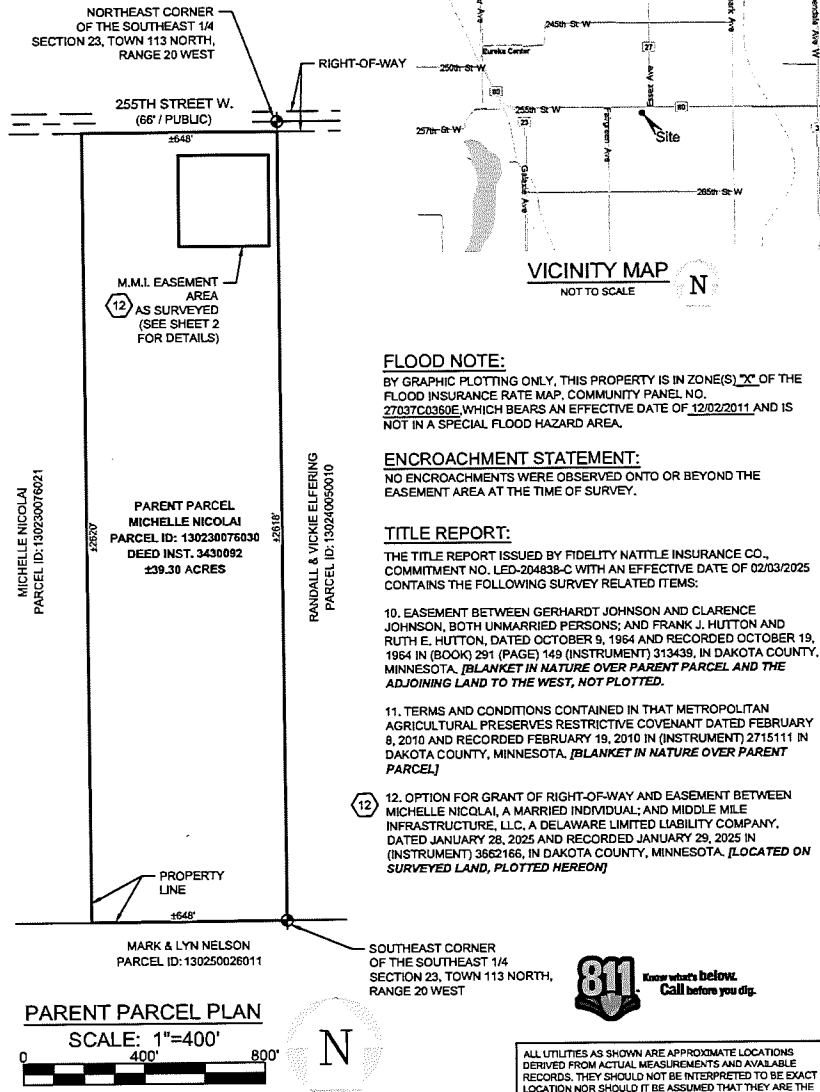
A 30 FOOT WIDE EASEMENT FOR INGRESS/EGRESS OVER AND ACROSS ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 00°16'49" EAST ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 110.00 FEET; THENCE SOUTH 89°48'59" WEST A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF THE EASEMENT AREA; THENCE CONTINUING SOUTH 89°48'59" WEST ALONG THE NORTHERLY LINE OF SAID EASEMENT AREA A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°48'59" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 30.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 77.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 255TH STREET W. (66 FOOT WIDE/PUBLIC); THENCE NORTH 89°48'59" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 77.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,310 SQUARE FEET OR 0.053 ACRES.

### M.M.I. UTILITY EASEMENT "A" (AS SURVEYED):

A 10 FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION & MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 89°48'59" WEST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 119.81 FEET; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 33.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 255TH STREET W. (66 FOOT WIDE/PUBLIC) AND THE POINT OF BEGINNING; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 77.00 FEET TO THE NORTHERLY LINE OF THE EASEMENT AREA; THENCE SOUTH 89°48'59" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 77.00 FEET TO SAID SOUTHERLY RIGHT-OF-WAY; THENCE NORTH 89°48'59" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 770 SQUARE FEET OR 0.018 ACRES.

### M.M.I. UTILITY EASEMENT "B" (AS SURVEYED):

A 10 FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION & MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 89°48'59" WEST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 39.81 FEET; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 33.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 255TH STREET W. (66 FOOT WIDE/PUBLIC) AND THE POINT OF BEGINNING; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 77.00 FEET TO THE NORTHERLY LINE OF THE EASEMENT AREA; THENCE SOUTH 89°48'59" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 77.00 FEET TO SAID SOUTHERLY RIGHT-OF-WAY; THENCE NORTH 89°48'59" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 770 SQUARE FEET OR 0.018 ACRES.

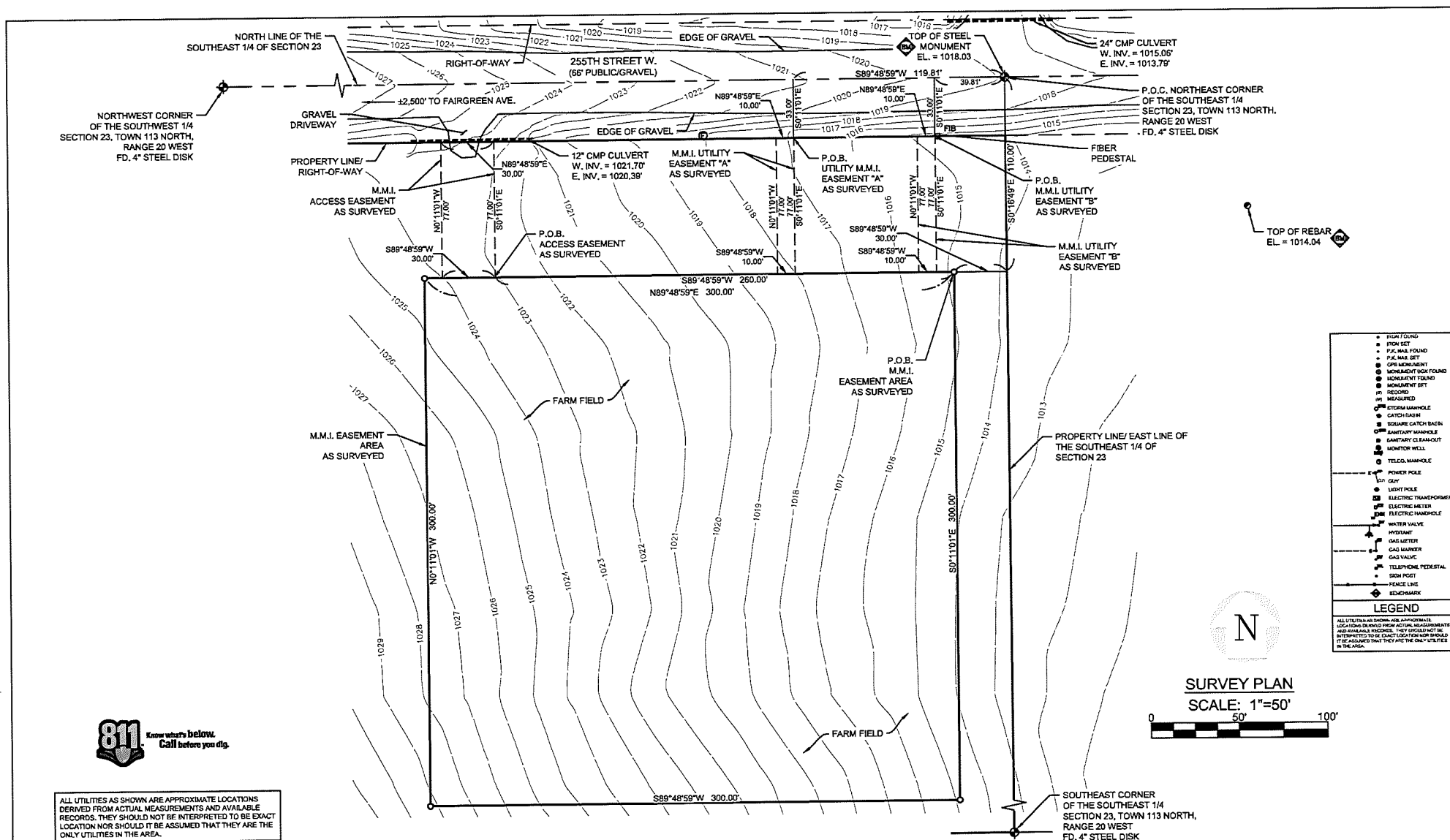


SHEET 1

SPECIFIC PURPOSE ALTA SURVEY

DRAWING NUMBER

25433001



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.



**LANDTECH**  
PROFESSIONAL SURVEYING & ENGINEERING  
ALL ALA, AZ, CO, IL, IN, IA, MI, MN, MO, NE, ND, RI, SD, TN, TX, VA, WI, WY  
221-943-0050 ph 221-943-0051 fax 877-520-LAND toll free  
www.landtechs.com www.townsurveyors.com

MANAGED BY:



LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

PREPARED FOR:

**MMI**  
Middle Mile Infrastructure

MICHELLE NICOLAI

255TH STREET W.  
FARMINGTON, MN 55024

SHEET 2				SPECIFIC PURPOSE ALTA SURVEY			
1	04/11/25	ADD TITLE	TJW	MM	MM		
0	04/10/25	ISSUED FOR REVIEW	TJW	MM	MM		
NO.	DATE	REVISIONS	BY	CHK	APPD	DRAWING NUMBER	
SCALE: AS SHOWN			DRAWN BY: TJW			25433001	

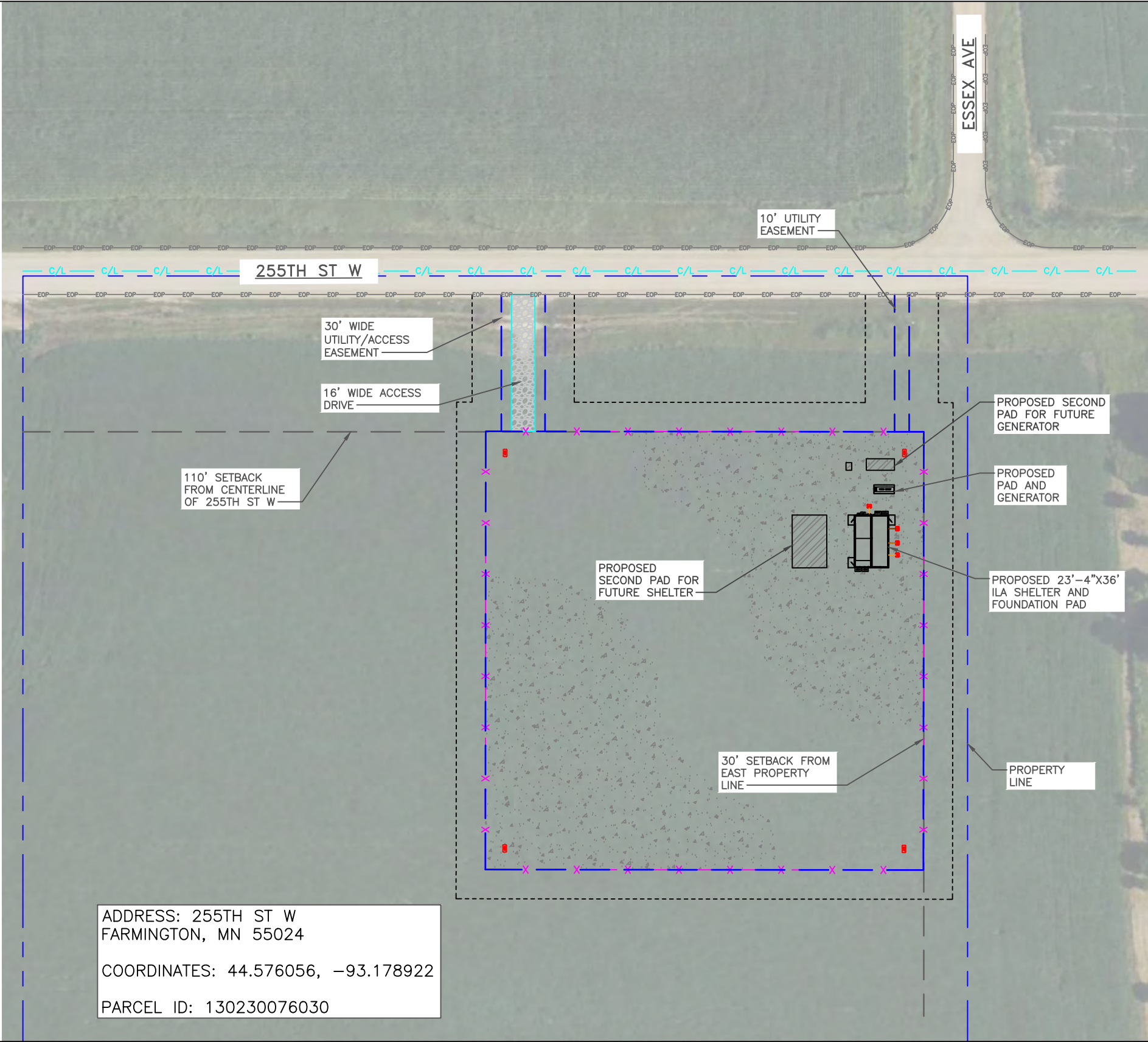
SURVEY NOTE

THIS SITE PLAN WAS GENERATED WITHOUT THE USE OF A SURVEY. PROPERTY LINES AND EASEMENTS SHOWN ON THESE PLANS ARE ESTIMATED.

EXHIBIT A OPTION AGREEMENT

EASEMENT PREMISES TO MIDDLE MILE INFRASTRUCTURE LLC

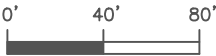
DAKOTA COUNTY MN PROPERTY ID: TBD  
OWNER INITIALS:



LEASE EXHIBIT



SCALE: 1" = 40'



COORDINATES:  
44.576056, -93.178922

NOT FOR CONSTRUCTION

REFERENCE DRAWINGS									REVISIONS				DIGALERT		PREPARED FOR:		SHEET DESCRIPTION:	
DRAWING No.	DESCRIPTION			REV	DATE	DESCRIPTION			DES	DFT	CHK	APP	CALL TOLL FREE 48 HOURS BEFORE YOU DIG UNDERGROUND SERVICE ALERT (811)		MMI Middle Mile Infrastructure		LEASE EXHIBIT	
				0	04/29/2025	PRELIM -- NE CORNER 300X300			H.R	H.R							MICHELLE NICOLAI 255TH ST W FARMINGTON, MN 55024	
				1	05/08/2025	ADDED SHELTER TYPICALS			H.R	H.R								
				2														
				3														
				4													SHEET NUMBER LE-01	REVISION 51

ENLARGED  
SITE PLAN



SCALE: 1" = 30'



DRIVE ACCESS

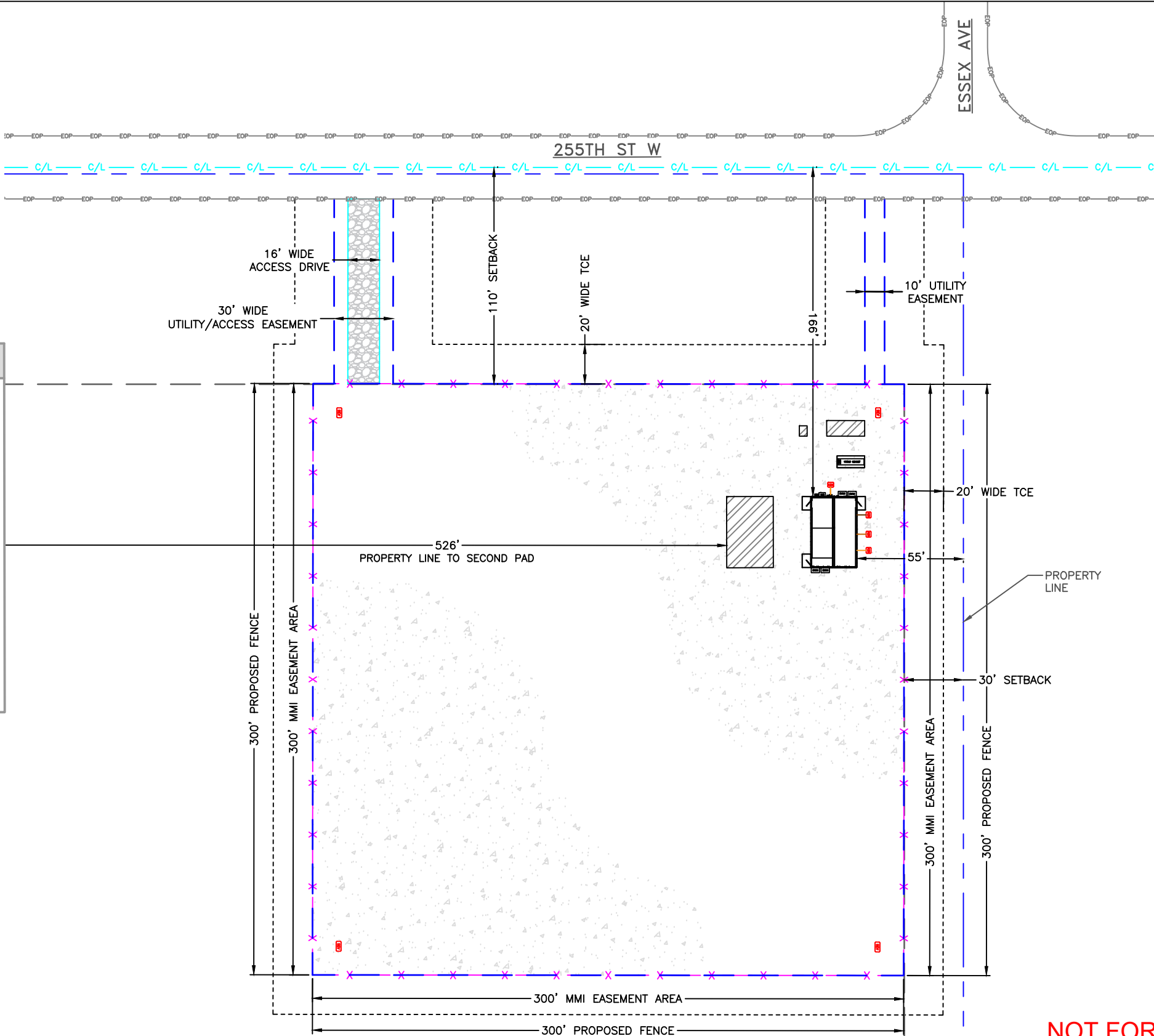
PROPOSED 16'-0" WIDE ACCESS DRIVE. EXCAVATE EXISTING MATERIAL, RECOMPACT SUBGRADE AND INSTALL 6" COMPACTED #57 AGGREGATE BASE ON COMPACTED SUBGRADE.

PROPOSED 300'X300' GRAVEL YARD AND PARKING AREA. EXCAVATE EXISTING MATERIAL, RE-COMPACT SUBGRADE AND INSTALL 6" CLEAN #57 AGGREGATE WITH GEOTEXTILE FABRIC ON COMPACTED SUBGRADE ENTIRE COMPOUND.

ADDRESS: 255TH ST W  
FARMINGTON, MN 55024

COORDINATES: 44.576056, -93.178922

PARCEL ID: 130230076030



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
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		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

**DIGALERT**  
CALL TOLL FREE  
48 HOURS BEFORE YOU DIG  
UNDERGROUND SERVICE ALERT  
(811)



PREPARED FOR:  
**MMI**  
Middle Mile Infrastructure

PREPARED BY:  
**LEDOR**  
LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

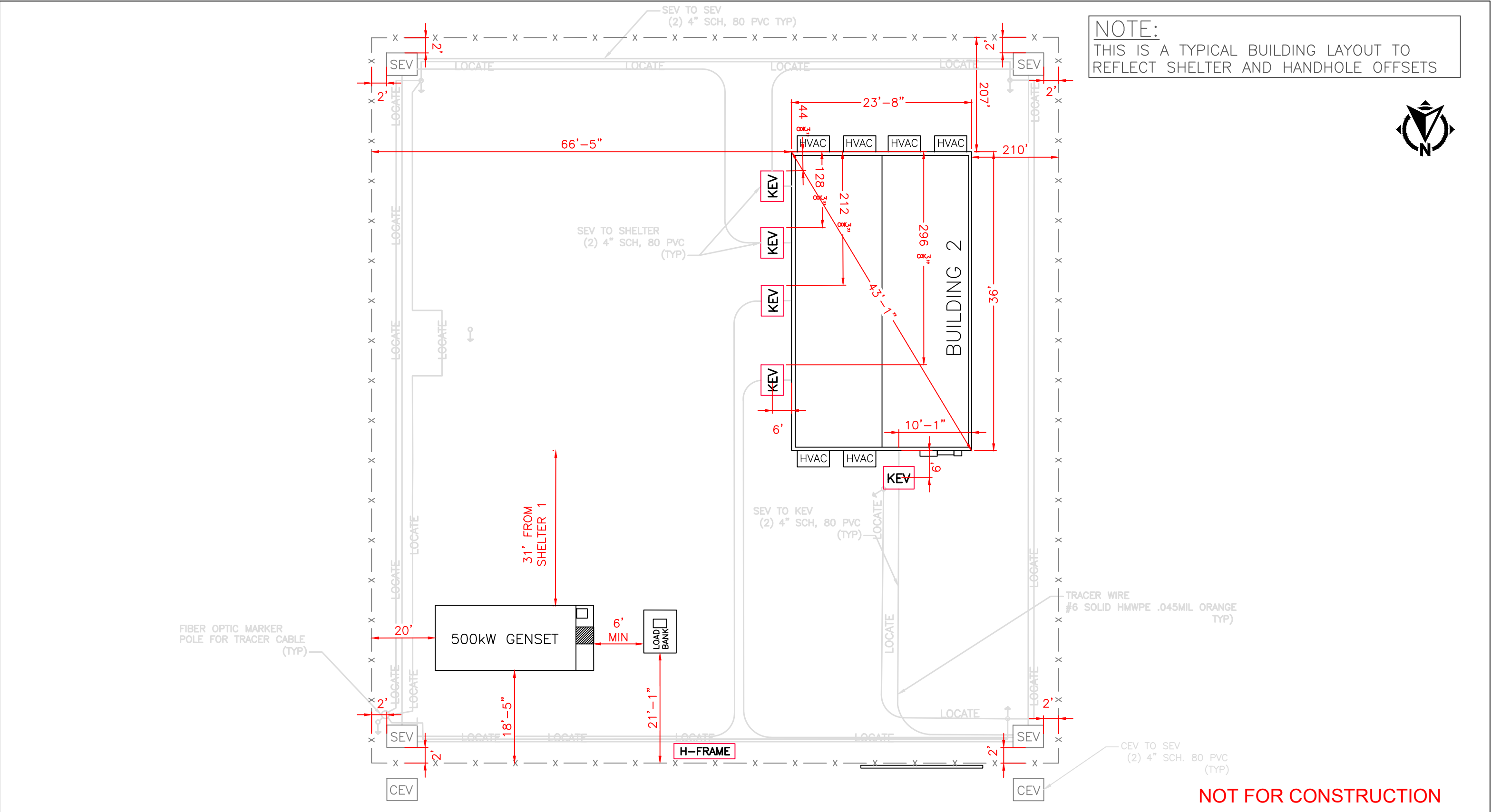
SHEET DESCRIPTION:  
OVERALL SITE PLAN

MICHELLE NICOLAI  
255TH ST W  
FARMINGTON, MN 55024

SHEET NUMBER  
C-01

REVISION  
52





REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

**DIGALERT**  
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(811)

PREPARED FOR:  
**MMI**  
Middle Mile Infrastructure

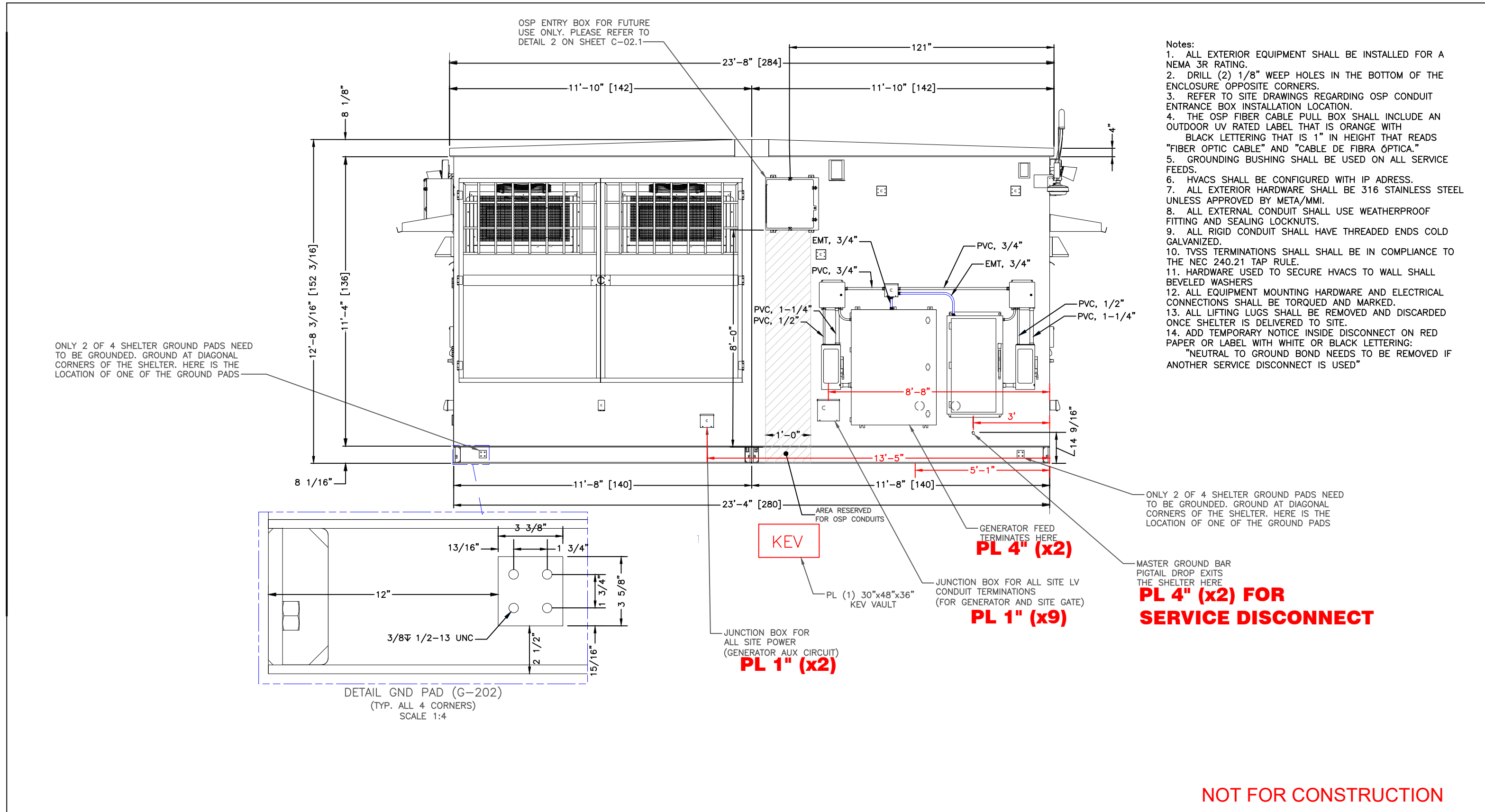
PREPARED BY:  
**LEDOR**  
LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

SHEET DESCRIPTION:  
SHELTER AND HANDHOLE DISTANCES

MICHELLE NICOLAI  
255TH ST W  
FARMINGTON, MN 55024

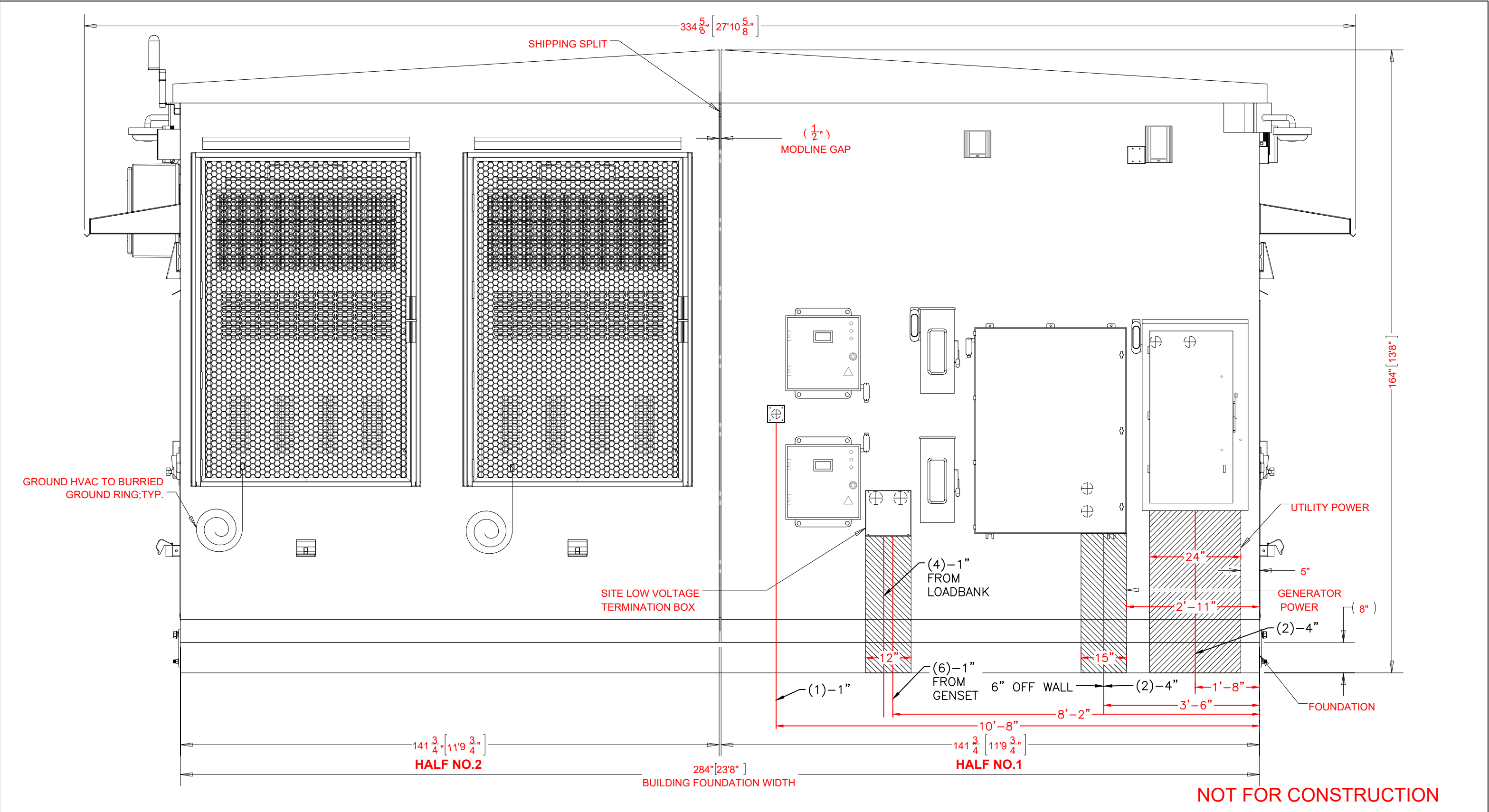
SHEET NUMBER  
C-02.3

REVISION  
53



REFERENCE DRAWINGS								
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

<b>DIGALERT</b> CALL TOLL FREE 48 HOURS BEFORE YOU DIG UNDERGROUND SERVICE ALERT (811)		PREPARED FOR: <b>MMI</b> Middle Mile Infrastructure	SHEET DESCRIPTION: EXTERIOR ELEVATION "B" KEV PLACEMENT	
		PREPARED BY: <b>LEDOR</b> LTS Telecommunications Services (USA) Inc. 14400 The Lakes Blvd. Pflugerville, TX 78660	MICHELLE NICOLAI 255TH ST W FARMINGTON, MN 55024	
			SHEET NUMBER C-09	REVISION 54



REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

**DIGALERT**  
CALL TOLL FREE  
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UNDERGROUND SERVICE ALERT  
(811)

PREPARED FOR:  
**MMI**  
Middle Mile Infrastructure

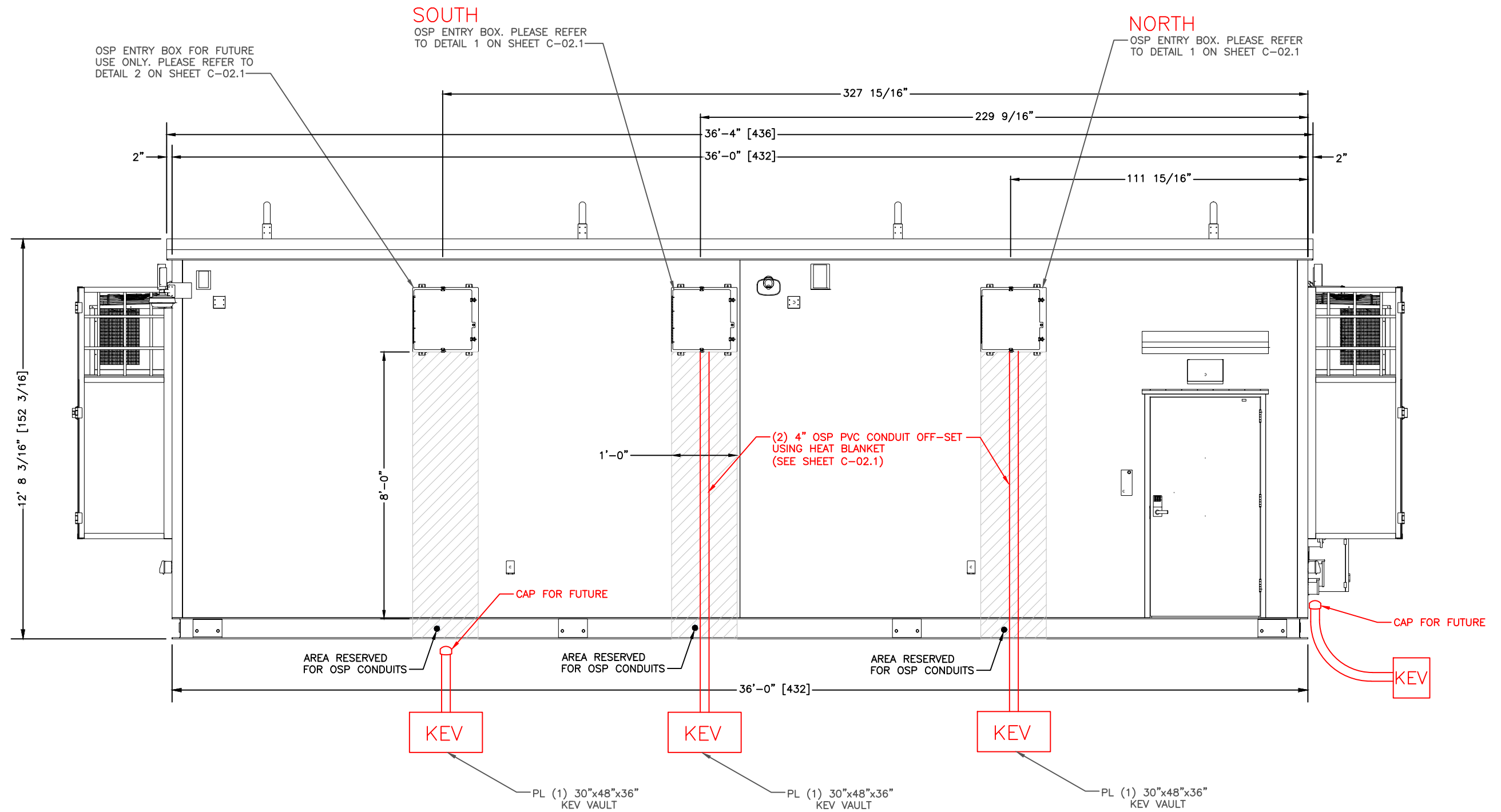
PREPARED BY:  
**LEDOR**  
LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

SHEET DESCRIPTION:  
EXTERIOR ELEVATION "B" KEY PLACEMENT

MICHELLE NICOLAI  
255TH ST W  
FARMINGTON, MN 55024

SHEET NUMBER  
C-09.1

REVISION  
55



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

**DIGALERT**  
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UNDERGROUND SERVICE ALERT  
(811)

PREPARED FOR:  
**MMI**  
Middle Mile Infrastructure

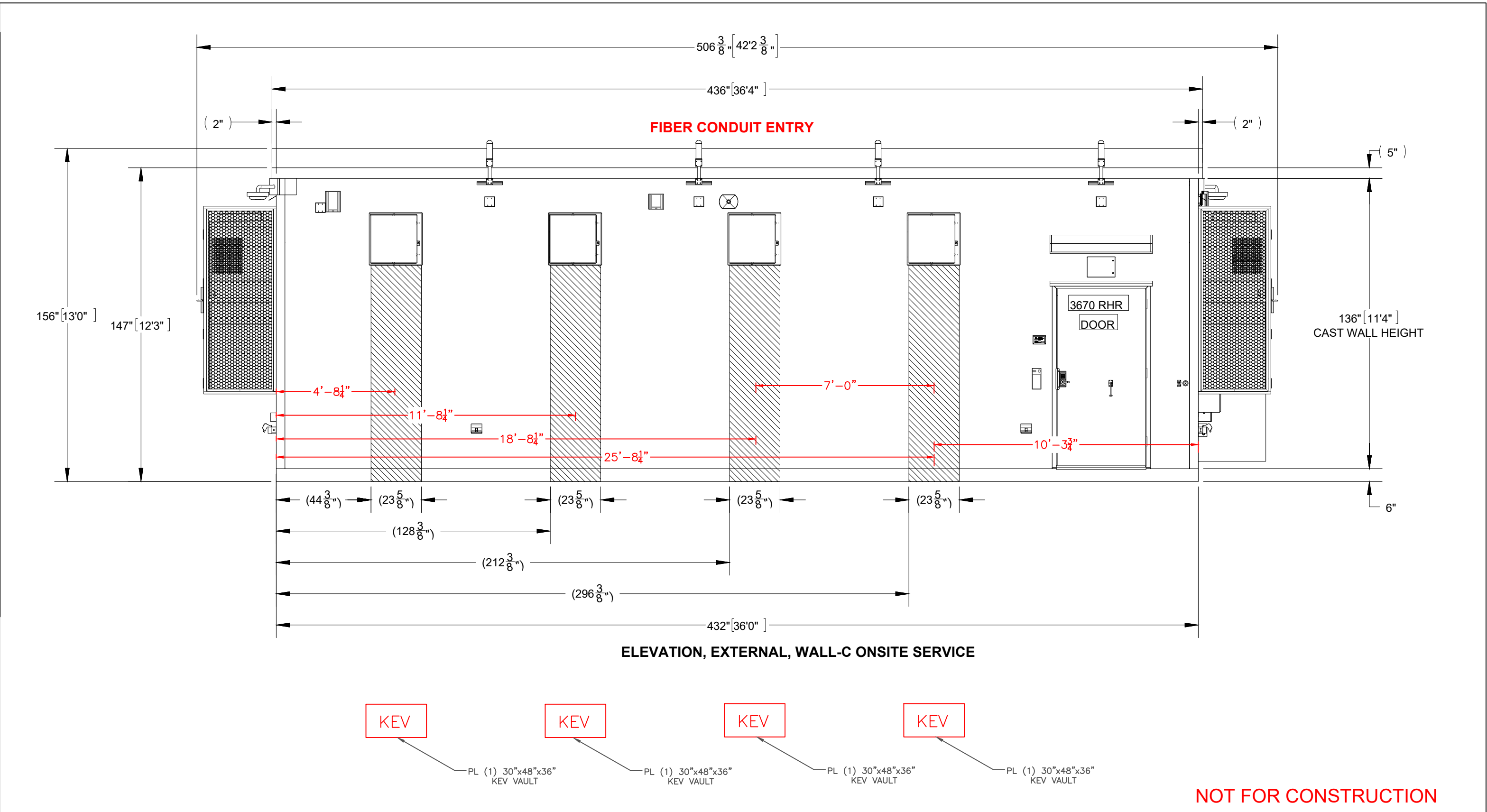
PREPARED BY:  
**LEDOR**  
LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

SHEET DESCRIPTION:  
EXTERIOR ELEVATION "C" KEV PLACEMENT

MICHELLE NICOLAI  
255TH ST W  
FARMINGTON, MN 55024

SHEET NUMBER  
C-10

REVISION  
56



REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

**DIGALERT**  
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UNDERGROUND SERVICE ALERT  
(811)

PREPARED FOR:  
**MMI**  
Middle Mile Infrastructure

PREPARED BY:  
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LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

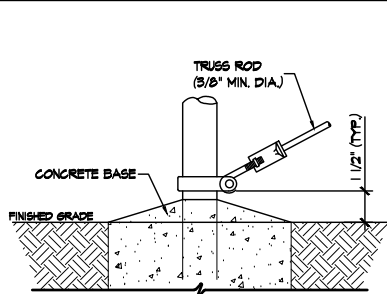
SHEET DESCRIPTION:  
EXTERIOR ELEVATION "C" KEV PLACEMENT

MICHELLE NICOLAI  
255TH ST W  
FARMINGTON, MN 55024

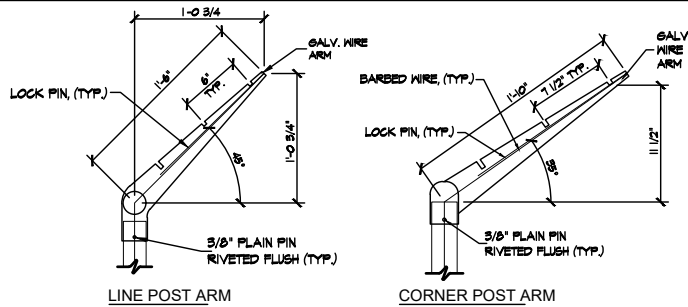
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C-10.1

REVISION  
57

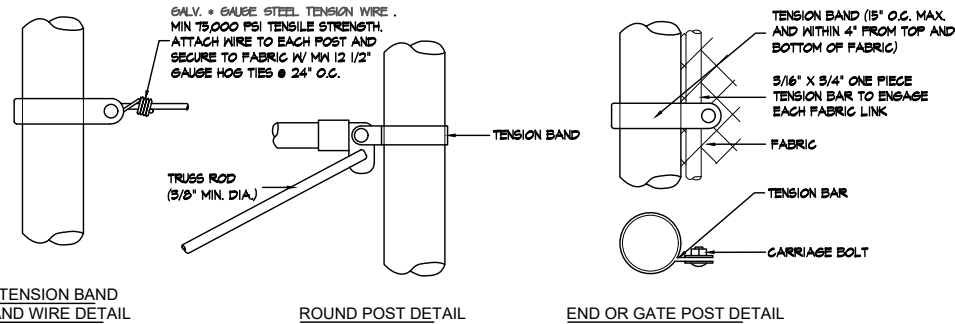




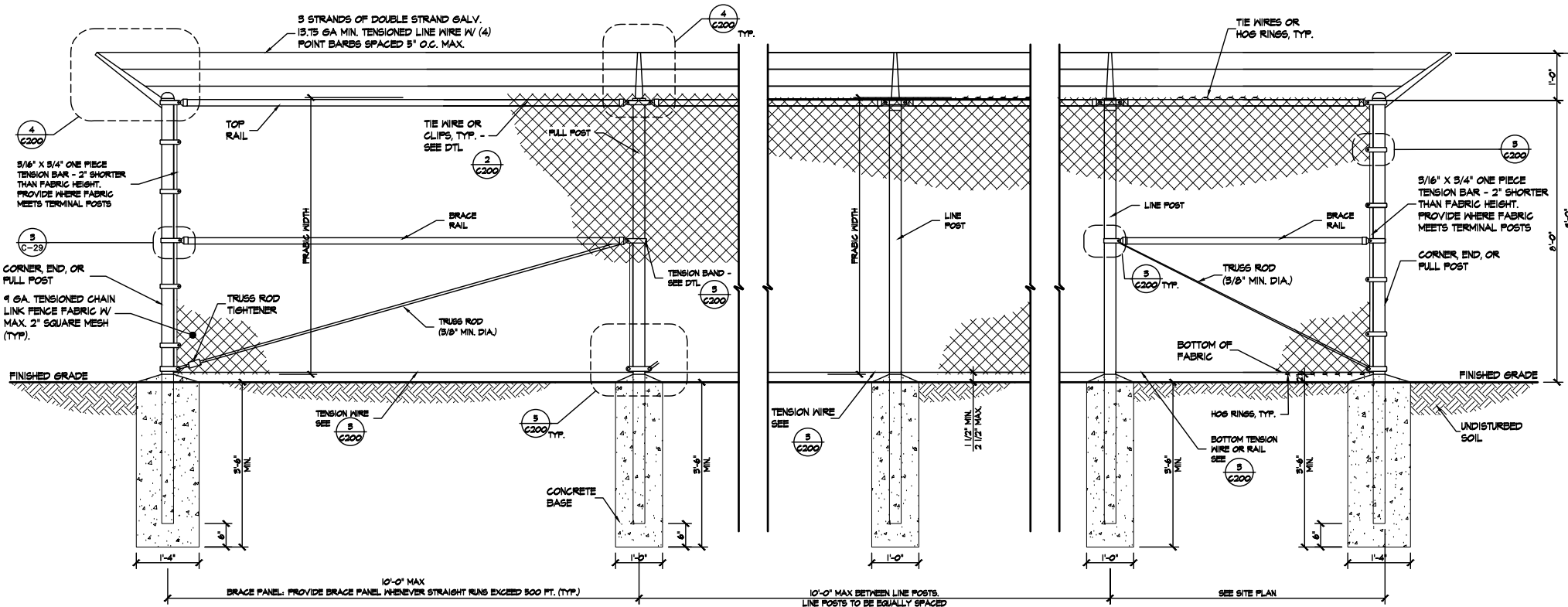
5 TRUSS ROD AND BAND  
C200 SCALE: N.T.S.



4 EXTENSION ARM DETAILS  
C200 SCALE: N.T.S.

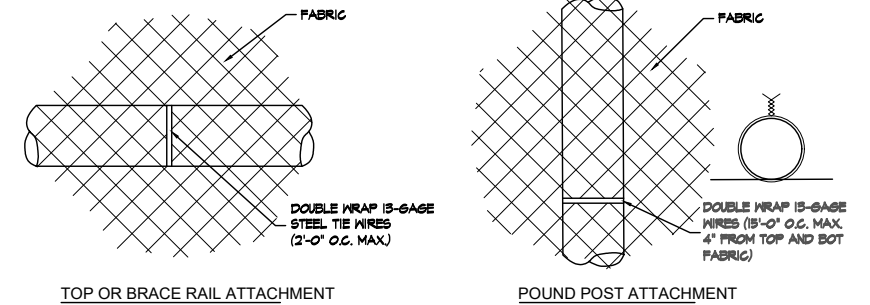


3 POST ATTACHMENT DETAILS  
C200 SCALE: N.T.S.



1 CHAIN-LINK FENCE DETAIL  
C-29 SCALE: N.T.S.

STEEL POST SCHEDULE			
USE AND SECTION	MINIMUM OUTSIDE DIMENSIONS (NOMINAL)		
	FABRIC WIDTH 72" OR LESS	FABRIC WIDTH 84" TO 96"	FABRIC WIDTH 108" AN
CORNER, END, & PULL POSTS			
TUBULAR - ROUND	2.375" O.D.	2.875" O.D.	4.00" O.D.
TUBULAR - SQUARE	2.00" SQ.	2.50" SQ.	3.00" SQ.
C-SECTION (ROLL-FORMED)	3.50" x 3.50"	3.50" x 3.50"	-----
LINE POSTS			
TUBULAR - ROUND	1.90" O.D.	2.375" O.D.	2.875" O.D.
H - SECTION	2.25" x 1.70"	2.25" x 1.70"	2.25" x 1.70"
C-SECTION (ROLL-FORMED)	1.875" x 1.625"	2.25" x 1.70"	-----
TOP, BOTTOM & BRACE RAILS			
TUBULAR - ROUND		1.66" O.D.	
TUBULAR - SQUARE		1.50" SQ.	
H-SECTION		1.625" x 1.50"	
C-SECTION (ROLL-FORMED)		1.625" x 1.25"	



2 FABRIC FASTENING DETAILS  
C200 SCALE: N.T.S.

NOT FOR CONSTRUCTION

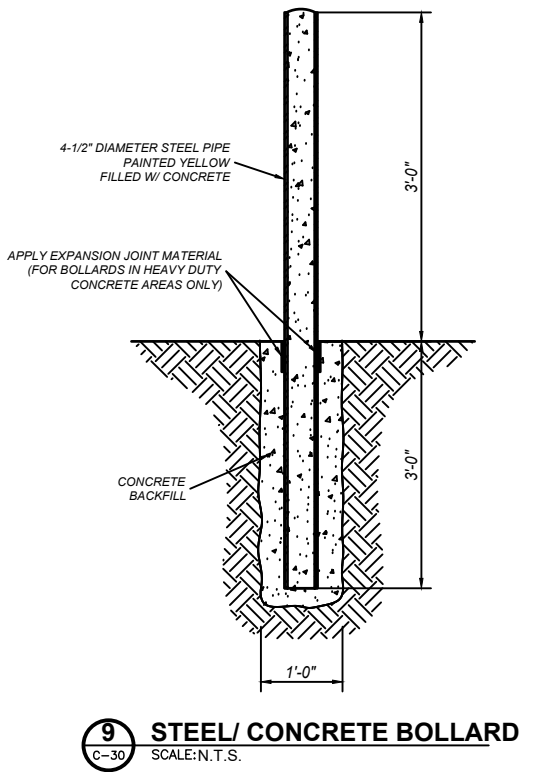
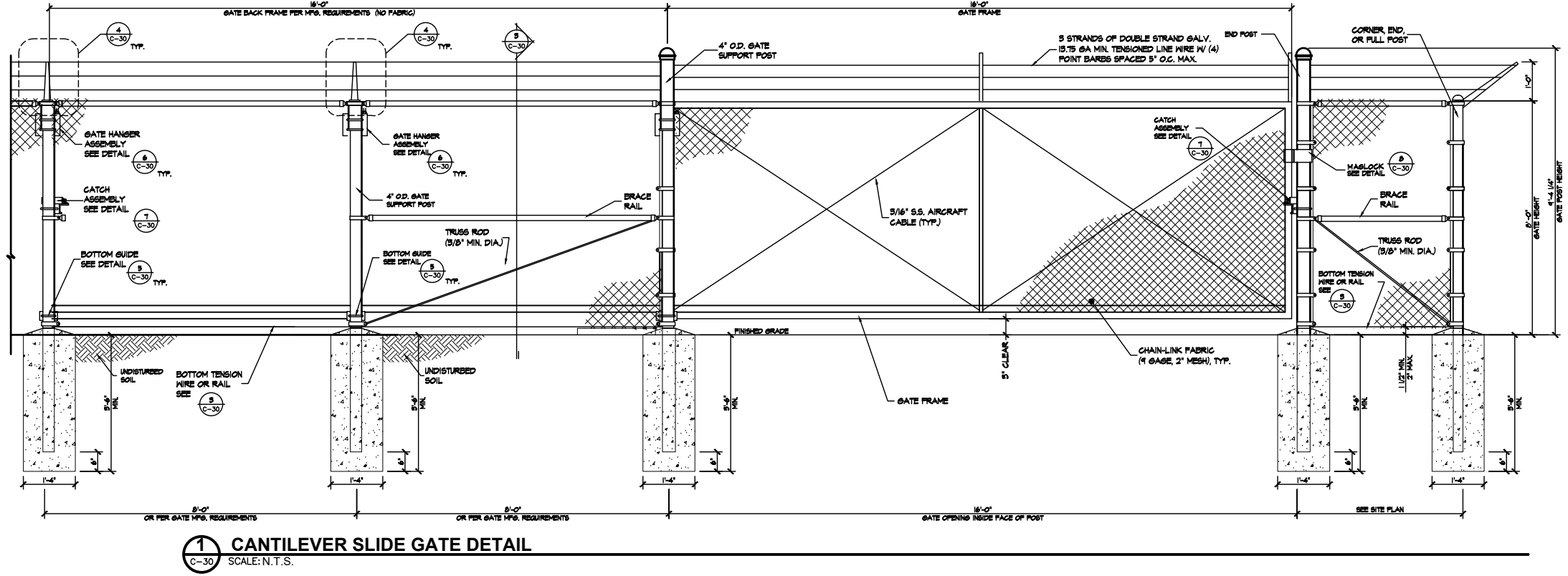
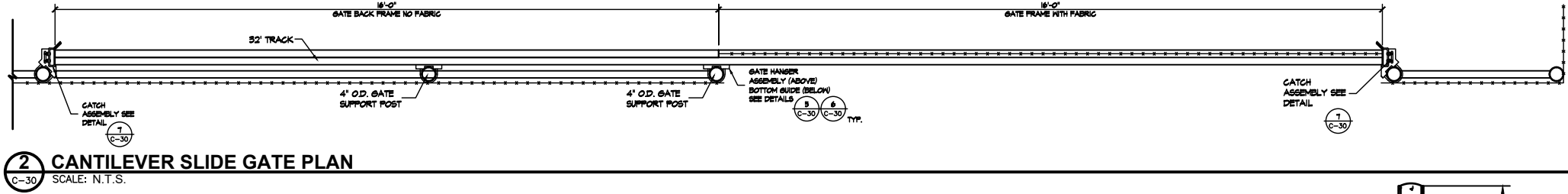
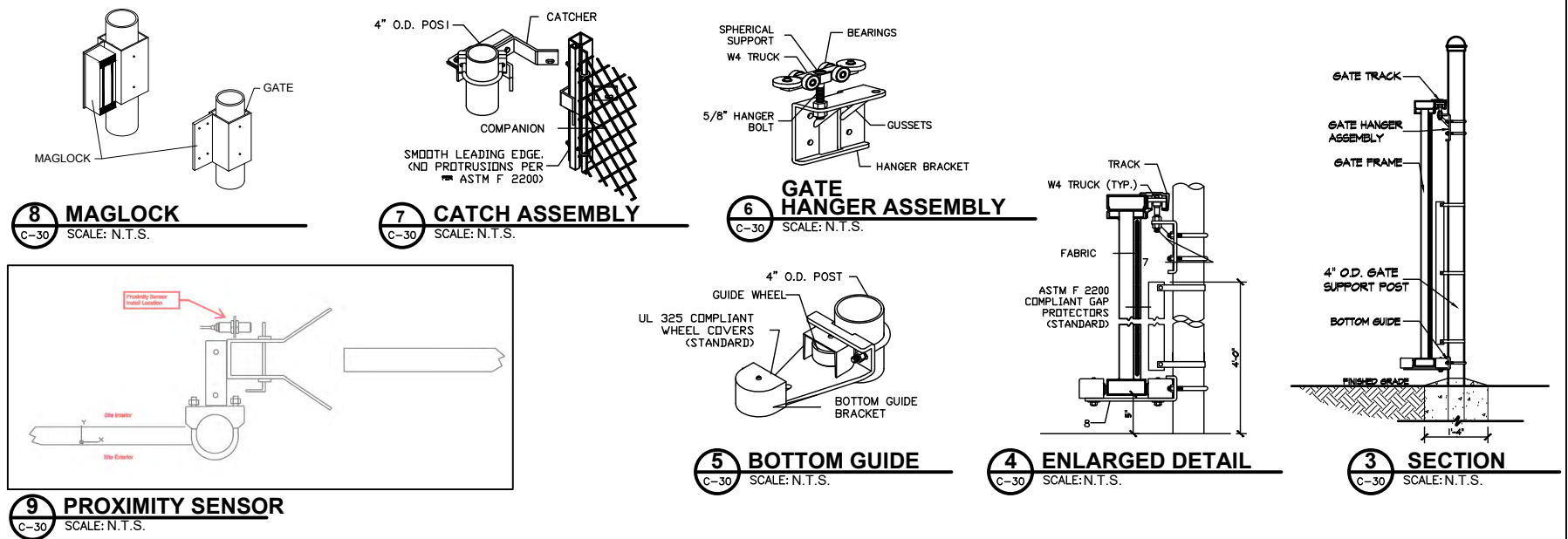
REFERENCE DRAWINGS							
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK

**DIGALERT**  
CALL TOLL FREE  
48 HOURS BEFORE YOU DIG  
UNDERGROUND SERVICE ALERT  
(811)

PREPARED FOR:  
**MMI**  
Middle Mile Infrastructure  
PREPARED BY:  
**LEDOR**  
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Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

SHEET DESCRIPTION: FENCE DETAILS	
SHEET NUMBER C-06	REVISION 58

GATE / SITE ACCESS CONTROL				
#	PART #	MANUFACTURER	DESCRIPTION	SOURCED BY
1	M82FGBD	ASSA ABLOY	SECURITRON M82 MAGNALOCK	SITE G.C
1	E-NL22-18	DF SUPPLY, INC. VEHICLELOOPS.COM	18 GAUGE PREFORMED CONTINUOUS DIRECT BURIAL 6" X 16' LOOP WIRE (PAVE OVER) E-NL22-18-VEHICLE DETENTION SAFETY LOOP	SITE G.C
1	DSP-6LP	DIABLO CONTROLS, INC.	DSP-6LP, LOW POWER VEHICLE DETECTOR FOR EXIT LOOP	SITE G.C
1	SPM-200	NEWMAR	SITE POWER MONITOR (FOR GATE OPERATOR BATTERIES	SITE G.C
1	2BXC	MMTC INC.	OPEN-CLOSE PUSH BUTTON WITH PROTECTIVE COVER FOR WET LOCATIONS, METAL ENCLOSURE H=4-1/2", W-2-3/4", D-2-3/4"	SITE G.C
X	8760	BELDEN	18/2 TP CABLE	SITE G.C
X	8770	BELDEN	18/3 TST CABLE	SITE G.C
X	6302UE	BELDEN	18/4 TP CABLE	SITE G.C
X	X	X	CAT6, SHIELDED, OUTDOOR RATED	SITE G.C
1	CL-7234	Nationwide Industries	Cantilever Gate Receiver, 4",Ps, W/Locking Bar	SITE G.C
1	SASM	Securiton	Shock Absorbing Strike Mount Kit (SASM)	SITE G.C
1	PNK-AP-4A	Automation Direct	Proximity sensor, tubular, 18mm dia x 65mm body, PNP, N.O Output	SITE G.C
1	U20302	IFM	IFM L-Bracket: 18mm dia Proximity Sensor, Stainless Steel	SITE G.C



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS							
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK

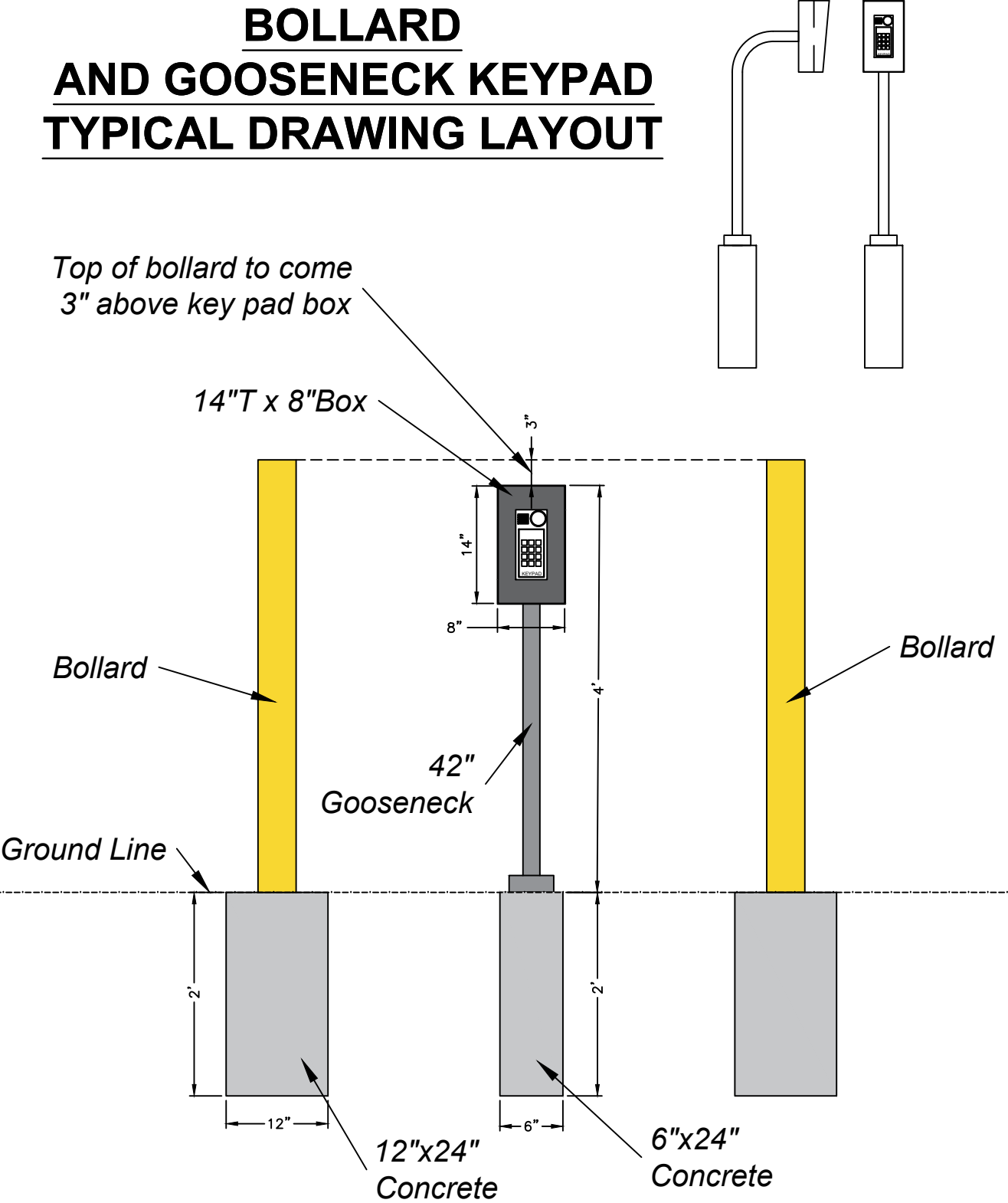
**DIGALERT**  
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PREPARED FOR:  
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Middle Mile Infrastructure

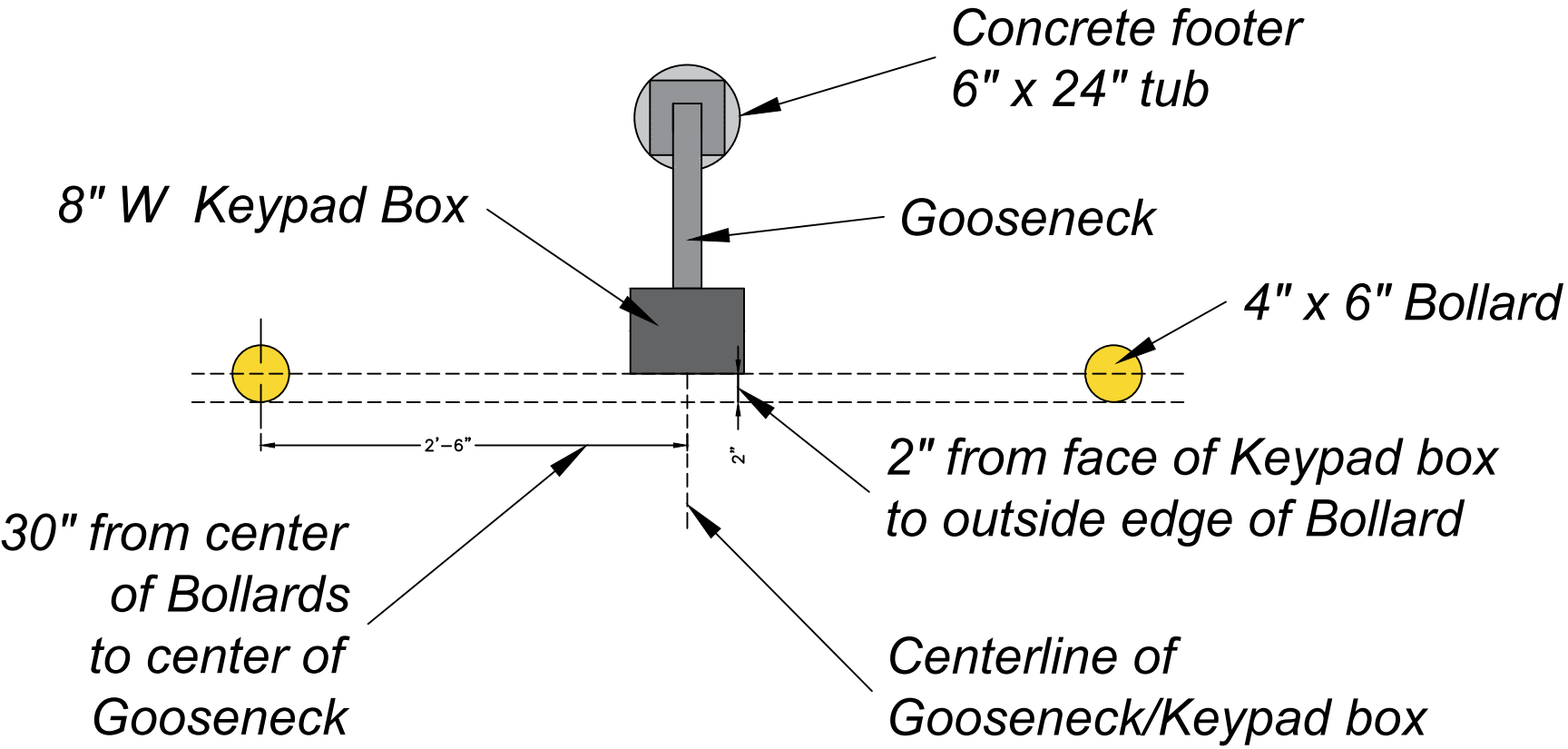
PREPARED BY:  
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LTS Telecommunications  
Services (USA) Inc.  
14400 The Lakes Blvd.  
Pflugerville, TX 78660

SHEET DESCRIPTION: GATE DETAILS	
SHEET NUMBER C-07	REVISION 59

**BOLLARD  
AND GOOSENECK KEYPAD  
TYPICAL DRAWING LAYOUT**



**LOOKING DOWN BOLLARD TYPICAL DRAWING LAYOUT**



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS				REVISIONS				
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP

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PREPARED FOR:  
**MMI**  
Middle Mile Infrastructure

PREPARED BY:  
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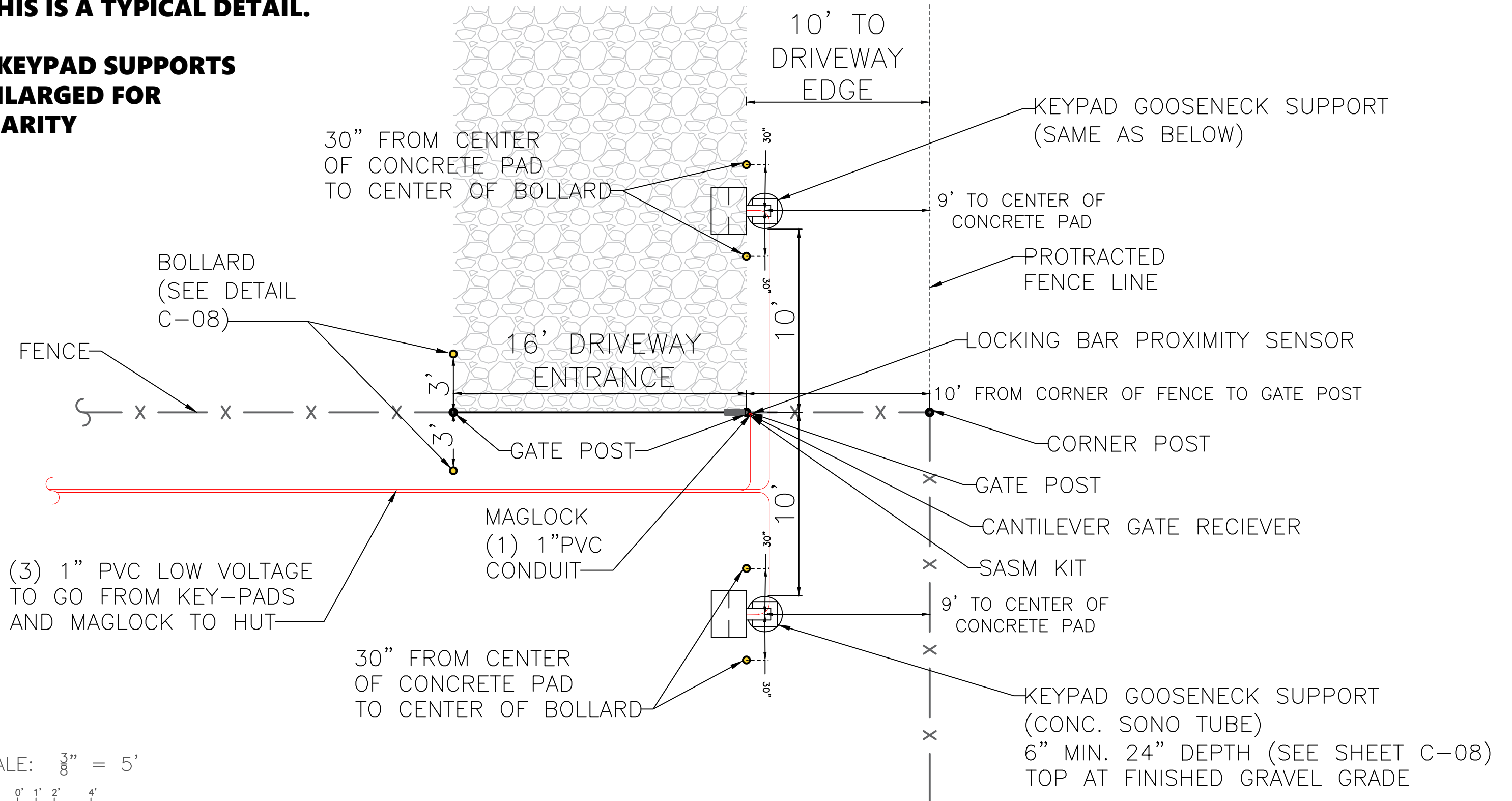
SHEET DESCRIPTION:  
BOLLARDS DETAIL

SHEET NUMBER  
C-08

REVISION  
60



**\*\*KEYPAD SUPPORTS  
ENLARGED FOR  
CLARITY**



NOT FOR CONSTRUCTION

										<div><div><div><div><div><div></div><div>DIGALERT</div><div>CALL TOLL FREE</div><div>48 HOURS BEFORE YOU DIG</div><div>UNDERGROUND SERVICE ALERT</div><div>(811)</div></div></div><div><div>PREPARED FOR:</div><div>MMI</div><div>Middle Mile Infrastructure</div></div><div><div>PREPARED BY:</div><div><div><div><div></div><div>LED CORP</div><div></div></div><div>LTS Telecommunications Services (USA) Inc. 14400 The Lakes Blvd. Pflugerville, TX 78660</div></div></div></div></div></div></div>										<div><div>SHEET DESCRIPTION:</div><div>CONCRETE GOOSENECK DETAIL</div></div>									
REFERENCE DRAWINGS					REVISIONS																								
DRAWING No.	DESCRIPTION				REV	DATE	DESCRIPTION			DES	DFT	CHK	APP																

City TX



### Standby Power Rating

500 kW, 625 kVA, 60 Hz

### Prime Power Rating\*

450 kW, 563 kVA, 60 Hz



\*Assembled in the USA using domestic and foreign parts

\*EPA Certified Prime ratings are not available in the US or its Territories

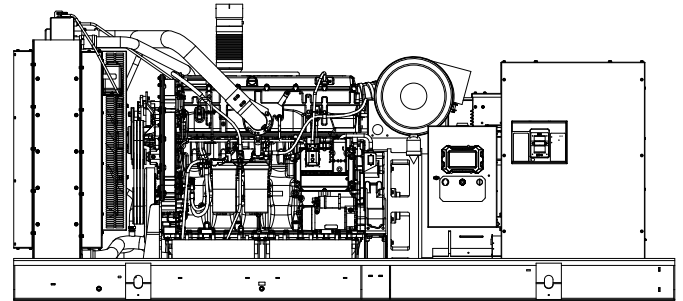


Image used for illustration purposes only.

## Codes and Standards

**Not all codes and standards apply to all configurations. Contact factory for details.**



UL2200, UL6200, UL1236, UL489, UL142



CSA C22.2, ULC S601



BS5514 and DIN 6271



SAE J1349



NFPA 37, 70, 99, 110



NEC700, 701, 702, 708



NEMA ICS10, MG1, 250, ICS6, AB1



ANSI C62.41

## Powering a Smarter World

For over 65 years, Generac has been at the forefront of power generation, pioneering innovative solutions and unparalleled manufacturing excellence. At the heart of our reputation for superior quality lies our commitment to meticulously designing and manufacturing key components of our generators—ranging from alternators and enclosures to base tanks, control systems, and cutting-edge communications software.

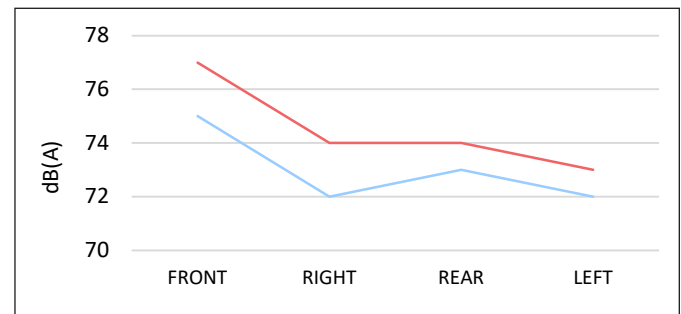
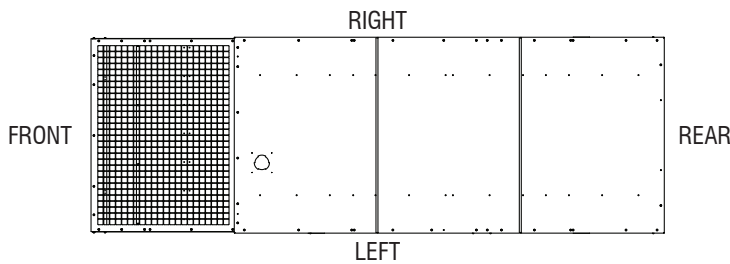
Generac's gensets stand out for their unparalleled versatility and reliability. Engineered to offer a wide range of options and configurations, they are tailored to meet the unique demands of virtually any application, seamlessly adapting to its complexity. Our commitment to reliability drives us to globally source only the most dependable engines, selected through stringent criteria to ensure they perform optimally under the toughest industrial conditions.

Beyond the sale, Generac's dedication to our customers extends to comprehensive service support, for peace of mind and reliability long after your purchase. Our commitment is to not only provide state-of-the-art power solutions but also to ensure the enduring success and satisfaction of our customers through ongoing support and service excellence.

## LEVEL 2 SOUND ATTENUATED ENCLOSURE D15.2L Perkins, SD/MD500, SB/MB500

60Hz NO-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	dB(A)
FRONT	36	46	60	69	69	69	65	62	52	75
RIGHT	36	43	55	61	63	62	58	52	45	72
REAR	35	46	53	59	64	64	60	56	44	73
LEFT	35	43	55	61	66	65	62	57	47	72
AVERAGE	36	44	56	62	66	65	61	57	47	73

60Hz FULL-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	dB(A)
FRONT	43	51	62	68	73	71	71	66	64	77
RIGHT	43	49	63	64	70	64	62	57	56	74
REAR	41	49	59	63	69	65	62	57	51	74
LEFT	41	51	65	64	71	63	64	61	54	73
AVERAGE	42	50	62	65	71	66	65	60	56	75



- All positions at 23 feet (7 meters) from side faces of generator set.
- Test conducted on a 100 foot diameter asphalt surface.
- Sound pressure levels are subject to instrumentation, installation and testing conditions.
- Sound levels are  $\pm 2$  dB(A).



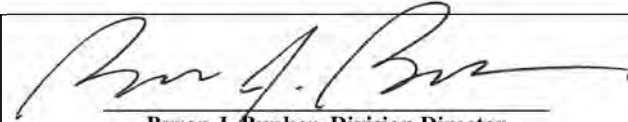


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
2025 MODEL YEAR  
CERTIFICATE OF CONFORMITY  
WITH THE CLEAN AIR ACT

OFFICE OF TRANSPORTATION  
AND AIR QUALITY  
ANN ARBOR, MICHIGAN 48105

**Certificate Issued To:** Caterpillar Inc.  
(U.S. Manufacturer or Importer)  
**Certificate Number:** SCPXL15.2NZS-026

**Effective Date:**  
08/05/2024  
**Expiration Date:**  
12/31/2025

  
Byron J. Bunker, Division Director  
Compliance Division

**Issue Date:**  
08/05/2024  
**Revision Date:**  
N/A

**Model Year:** 2025  
**Manufacturer Type:** Original Engine Manufacturer  
**Engine Family:** SCPXL15.2NZS

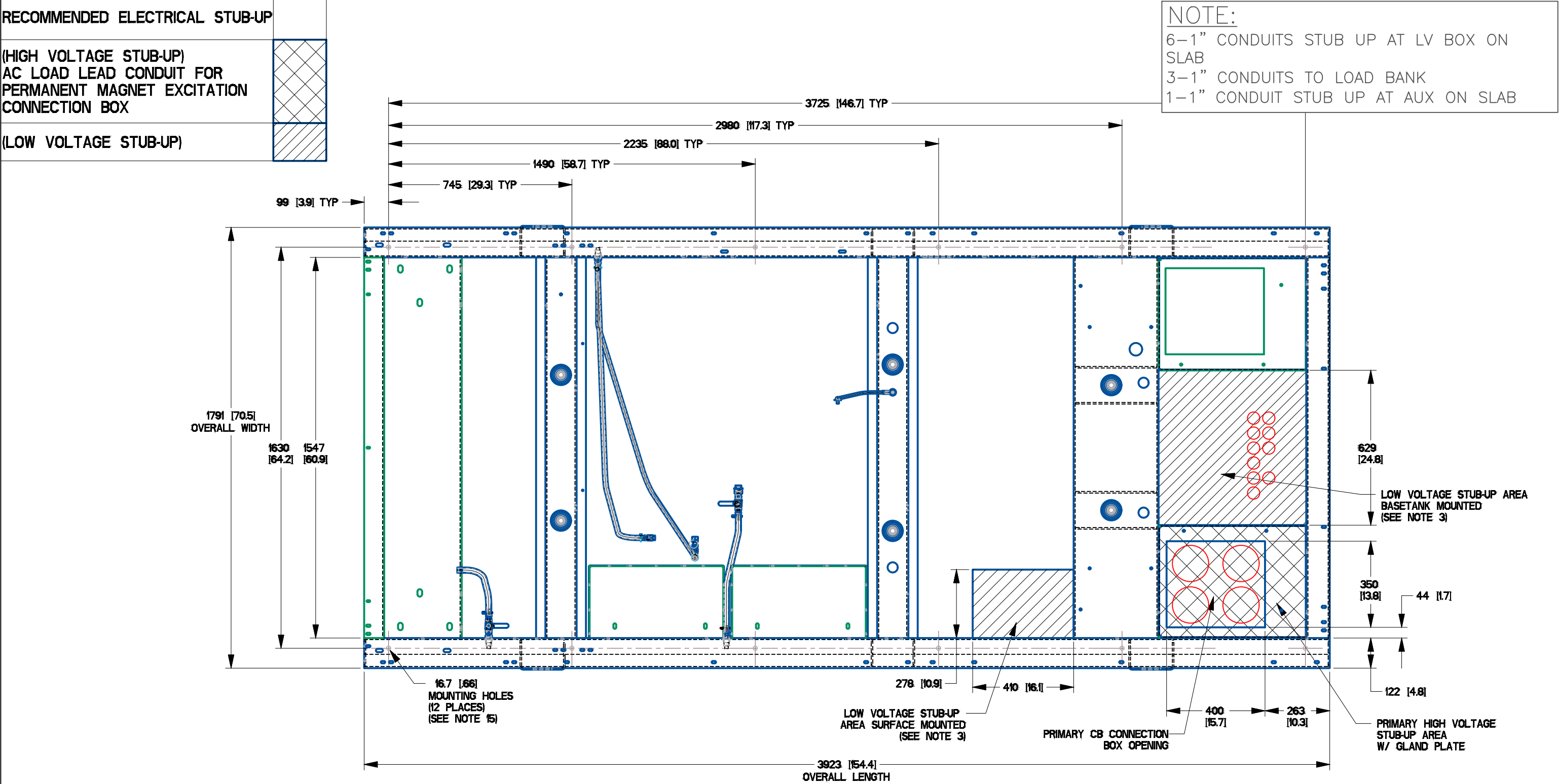
**Mobile/Stationary Indicator:** Stationary  
**Emissions Power Category:** 560<kW<=2237  
**Fuel Type:** Diesel  
**After Treatment Devices:** No After Treatment Devices Installed  
**Non-after Treatment Devices:** Electronic Control, Engine Design Modification

Pursuant to Section 111 and Section 213 of the Clean Air Act (42 U.S.C. sections 7411 and 7547) and 40 CFR Part 60, and subject to the terms and conditions prescribed in those provisions, this certificate of conformity is hereby issued with respect to the test engines which have been found to conform to applicable requirements and which represent the following engines, by engine family, more fully described in the documentation required by 40 CFR Part 60 and produced in the stated model year.

This certificate of conformity covers only those new compression-ignition engines which conform in all material respects to the design specifications that applied to those engines described in the documentation required by 40 CFR Part 60 and which are produced during the model year stated on this certificate of the said manufacturer, as defined in 40 CFR Part 60.

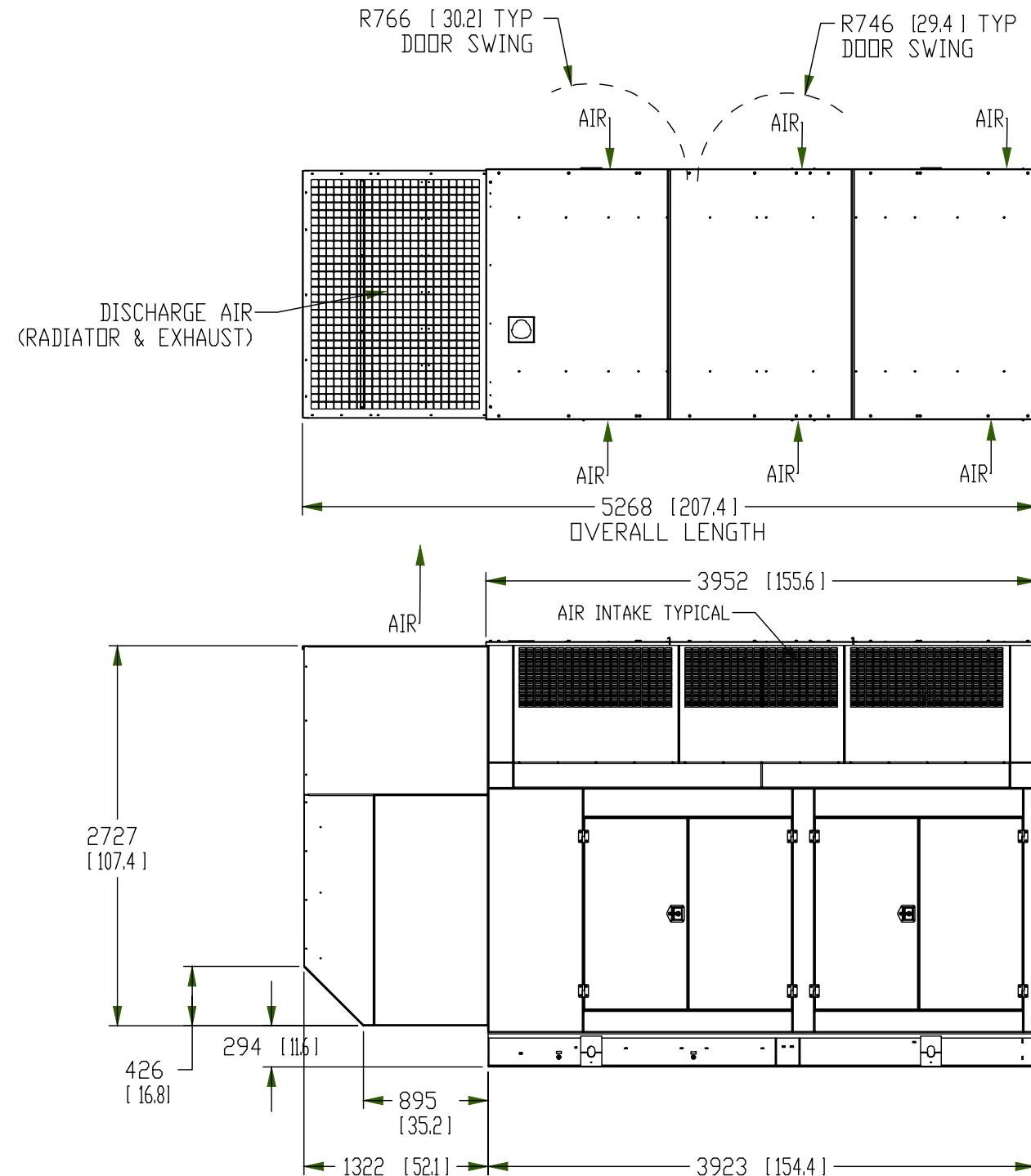
It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 1068 and authorized in a warrant or court order. Failure to comply with the requirements of such a warrant or court order may lead to revocation or suspension of this certificate for reasons specified in 40 CFR Part 60. It is also a term of this certificate that this certificate may be revoked or suspended or rendered void *ab initio* for other reasons specified in 40 CFR Part 60.

This certificate does not cover engines sold, offered for sale, or introduced, or delivered for introduction, into commerce in the U.S. prior to the effective date of the certificate.



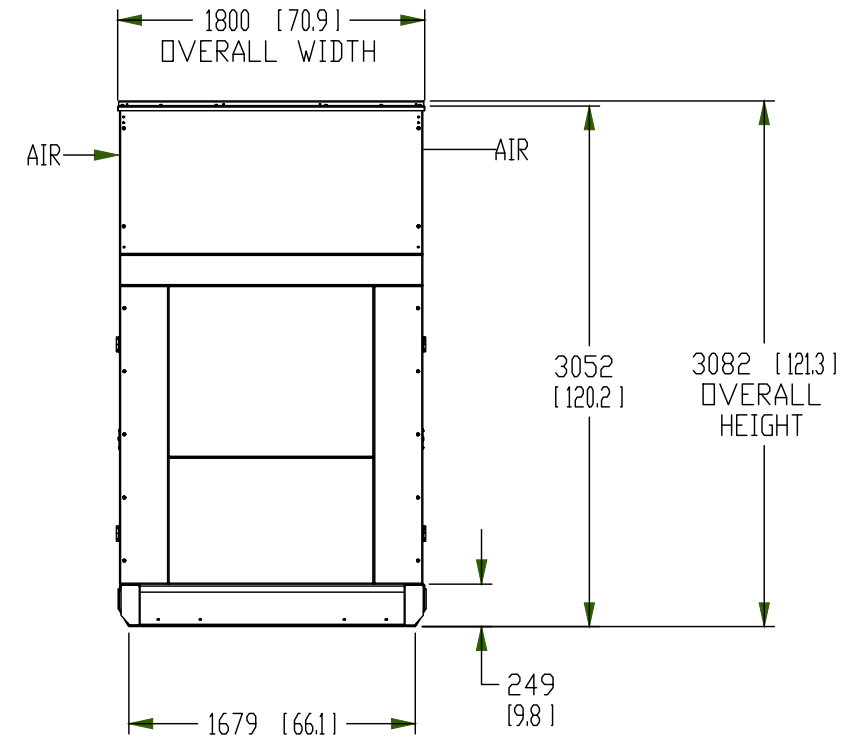
NOT FOR CONSTRUCTION

								DIGALERT		PREPARED FOR:		SHEET DESCRIPTION:	
								CALL TOLL FREE		MMI		GENERATOR DIMENSIONS	
								48 HOURS BEFORE YOU DIG		Middle Mile Infrastructure			
								(811)		PREPARED BY:			
										LTS Telecommunications			
										Services (USA) Inc.			
										14400 The Lakes Blvd.			
										Pflugerville, TX 78660			
												SHEET NUMBER	
												REF-01	
												REVISION	
												66	



FOR ALL STUB-UP, WEIGHT, AND COG DETAILS, SEE OPEN-SET DRAWING FOR SPECIFIED GENSET.

WEIGHT AND COG VALUES SUBJECT TO CHANGE BASED ON GENSET OPTIONS.



DIMENSIONS ARE IN MILLIMETERS [INCHES]

NOT FOR CONSTRUCTION

													<div>DIGALERT</div> <div>CALL TOLL FREE</div> <div>48 HOURS BEFORE YOU DIG</div> <div>UNDERGROUND SERVICE ALERT</div> <div>(811)</div>				<div>PREPARED FOR:</div> <div>MMI</div> <div>Middle Mile Infrastructure</div> <div>PREPARED BY:</div> <div> LTS Telecommunications Services (USA) Inc. 14400 The Lakes Blvd. Pflugerville, TX 78660</div>		<div>SHEET DESCRIPTION:</div> <div>GENERATOR DIMENSIONS</div>			
REFERENCE DRAWINGS		REVISIONS																				
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP														

SHEET NUMBER REF-02	REVISION 67
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## **EUREKA TOWNSHIP MEMORANDUM**

**To:** Eureka Town Board  
**From:** Hannah Rybak, WSB  
**Date:** June 4, 2025  
Town Board Meeting June 10, 2025  
**WSB Project No.** 027571-000, Phase 004  
**Request:** Request for a text amendment to Chapter 165 Mining

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### **GENERAL INFORMATION**

**Applicant:** OMG Midwest, dba Minnesota Paving and Materials  
**Property Owner:** LeRoy Chard

### **OVERVIEW**

The Applicant provided a narrative describing several sections of Chapter 165: Mining that they desire to amend. WSB staff has evaluated the proposed revisions in the context of the existing Mining Ordinance. A comparison table outlining the same or similar provisions found within the codes of other communities has also been created and is included in your packet. The full reasoning provided by the Applicant can be found in the Applicant's narrative. Staff offers an evaluation for each proposed amendment below.

Note:

Text the Applicant has proposed to be removed is indicated with ~~strikethrough~~ text.

Text the Applicant has proposed to be added is indicated with underlined text.

### **AMENDMENT 1**

**Request:** Removal of the below provision.

~~165-4 B. No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation.~~

**Staff Analysis:** In Eureka Township, Level 3 mines are defined as: "operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the highest water table elevation expected unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit."

The prohibition on additional Level 3 mines appears to be a mechanism for Eureka Township to limit the number of the highest impact mines within the community. This is not uncommon for communities to do this. For example, some communities allow mining only within a specific



overlay district, which is a limited area of the community. Eureka Township does not limit mining geographically in this manner; as it is permitted as a conditional use permit in nearly all areas of the community due to the single-district zoning. Staff finds that it is perfectly reasonable and common to cap the number of Level 3 mines. When a Level 3 mine closes, a new property owner, anywhere within the community, could apply and go through the approval process.

In the future, Eureka Township could explore the idea of adopting a mining overlay district if desired. This may be a more appropriate manner in which the Town could exercise discretion on the locating of new mines, as this would be through Comprehensive Plan and Zoning Amendment processes.

## **AMENDMENT 2**

**Request:** Allow a prior EAW to be utilized for a new IUP on a previous mining site.

165-6, A, 3. Level 3 permit. This permit applies to operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the water table unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit. A prior EAW may be utilized for purposes of this section.

**Staff Analysis:** The proposed provision to be added is not reasonable. Conditions may change over time. If mining operations have ceased and there is intent to re-establish mining operations, all requirements of establishing a new mine are applicable. This is the only way to ensure that current conditions and impacts are evaluated prior to any approval.

## **AMENDMENT 3**

**Request:** State that an EAW is required only for mines 40 acres in size or greater.

165-11, F. Within 30 days of receipt of the registered engineer's findings and recommendations, the Planning Commission, together with the engineer, shall prepare an environmental assessment worksheet (EAW), according to Minnesota Rules, Chapter 4410. An EAW shall be required on any mines larger than 40 acres in size. After this process is completed, the Town Board shall determine within 30 days whether an environmental impact statement (EIS) is required.

**Staff Analysis:** The Applicant's request in this case is consistent with MN Rules and with the other communities evaluated in the attached spreadsheet. EAWs are generally not required for mines under 40 acres in size. However, a community is able to impose stricter standards than State Statute provides. Eureka Township contains sensitive natural resources, and also does not have a mining overlay district to ensure that mining is consolidated into specific geographic areas. Given these considerations, staff finds the requirement for the Level 3 mine classification to complete an EAW, regardless of size, to be reasonable. It should be noted, however, that the State only requires a mandatory EAW when a mine is 40 acres in size and such an EAW would have to be discretionary.

#### AMENDMENT 4

**Request:** Add a variance as an option rather than satisfying all interim use permit (IUP) procedural requirements for a mining permit.

165-11, L. The Town Board shall approve the permit application or variance, deny the permit application or variance or approve the permit application or variance with modification. Modifications may include additional restrictions.

**Staff Analysis:** A variance is not intended to be utilized to subvert requirements of another land use approval. Each requirement for an IUP serves a purpose and are an important part of the review process. Further, granting of a variance requires a finding that there is a practical difficulty associated with the request. The definition within the Town Code of a practical difficulty is as follows: *"Practical difficulty," as used in connection with the granting of a variance, means the **land in question cannot be put to a reasonable use if used under the conditions of this article; the plight of the applicant is unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality or other adjacent land. Economic consideration alone shall not constitute a practical difficulty.*** A variance should not be utilized for a procedural requirement, as there would be no practical difficulty to be found.

#### AMENDMENT 5

**Request:** Add a provision allowing recyclable materials to be crushed and mixed on site for up to 100 working days per year, and remove the 25% cap on imported materials.

165-13 B. B. Source of materials. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:

(1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 100 working days per calendar year.

(2) The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property. ~~provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis. Accessory uses may not exceed 25% off site materials used in conjunction with each specified accessory use; therefore off site minerals may not be aggregated to a single accessory use, allowing a specific accessory use to exceed 25% of off site minerals used in conjunction with the specific accessory use.~~

**Staff Analysis:** Importing of recycled and off-site materials for processing greatly increases the intensity of operations at a mining site. In terms of the communities compared in the attached spreadsheet, there are a mix of regulations:

- Waterford Township: prohibits all processing

- May Township: processing is subject to an additional CUP approval, applicant must provide an estimate of the amount of materials to be processed and limits stockpiling based on processing capacity
- Rosemount: Minimum of 70% aggregate processing and 30% recycled aggregate processing

A community is able to impose limits on processing based on the needs of the community. Given that Eureka Township does not limit mining to a specific area, it is understood that mining can be located near incompatible uses, such as residential dwellings. Processing of an unlimited amount of off-site materials and the crushing and mixing of concrete and asphalt lends itself to the creation of nuisances that could negatively impact adjacent property owners. The allowance of 25% off-site materials is more than some communities allow and on par with some others.

#### **AMENDMENT 6**

**Request:** Change the required mining setback from a dwelling from 1,000 feet to 300 feet.

165-13, M. Setbacks. No extraction activity may occur within 300 ~~1,000~~ feet of any dwelling (absent approval of the neighboring landowner) and within 50 feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than ~~1,000~~ 300 feet from a dwelling (absent approval of the neighboring landowner) nor closer than 100 feet from any adjacent property line, road right-of-way or public utility. Setbacks from an existing dwelling shall take precedence over setbacks for road right-of-way, adjacent property line and public utility. If the processing equipment is placed within an enclosed structure, the Town Board may consider shorter setback distances. Grading plans affecting pipelines or powerline corridors will be evaluated on a case-by-case basis. The Town Board may waive setback requirements when the common boundary area of an adjoining property is also a legal mining operation, the common boundary is not within 300 ~~1,000~~ feet of a residence (absent approval of the neighboring landowner), and both property owners of adjacent mining operations have agreed to a common reclamation plan and have a written agreement with the Township establishing responsibility for reclamation. Any existing approved setback reduction in an existing approved interim use permit continues to have approved status.

**Staff Analysis:** The requested setback reduction is similar to the communities in the comparison table, whose setbacks from dwellings range from 100 to 500 feet. Some communities have an increased setback for processing. A key difference here is the utilization of a mining overlay district. Because Eureka Township does not have a specific area of the township where mining is allowable, additional safeguards for adjacent land uses are appropriate. The 1,000 foot setback requirement is not from an adjacent property line, it is from an adjacent dwelling. Given Eureka Township's current density (1 unit per 40 acres), the mining setback from a residential dwelling could be viewed as reasonable.

#### **AMENDMENT 7**

**Request:** Reduce the instances where berming is required by the cod.

165-13, O. Berming. Earthen berms shall be constructed in accordance with the Mine Safety and Health Administration standards. ~~along all road rights-of-way. In the instance where the setback from a residence applies under §165-1GM, then, in addition, earthen berms shall be constructed along the adjoining property line.~~ Berms shall provide screening of the mining activity from the right-of-way and any adjoining property line on which a berm is required. A combination of berms and other screening which has no written objection from any owners of real property located within ~~300~~ 1,000 feet of the proposed extraction activity may satisfy this requirement, subject to Town Board approval of the design. In the absence of such an alternate design, berms shall be a minimum of eight feet in height. All berms shall have a minimum slope of 3:1 and have a silt fence at the base on the side closest to adjacent property. The silt fence shall be maintained until vegetation is established, at which time it shall be removed.

**Staff Analysis:** The berming standards are in place to minimize the effects of mining operations from view of public rights-of-way and adjacent properties. All other communities researched included berming requirements, and some even require a full viewshed analysis due at the time of an application for a mining permit. Staff finds value in the berming ordinance, as written.

#### **AMENDMENT 8**

**Request:** Removal of the below provision.

~~165-13, P. Heights. The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located less than 1,000 feet from the property line shall be a minimum of eight feet below the average height of the adjacent berms within the mandatory setback.~~

**Staff Analysis:** This height limitation applies only to equipment and temporary stockpiles that are located within 1,000 feet of the property line; there is no height limitation for these items if they are located outside of the required setback. This requirement is reasonable in the context of the lot sizes within Eureka Township. Items that can be seen from public right-of-way and neighboring properties should be appropriately screened if they do not meet the minimum setback.

#### **AMENDMENT 9**

**Request:** Increase the amount of time to remove structures and grade the site following termination of excavation operations.

165-13, T, 2, c. Within ~~twelve~~ three months after the termination of excavation operations or within ~~six~~ three months after the expiration of the interim use permit, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.

**Staff Analysis:** It is a reasonable expectation that a mining operation that has an expired permit, ceased activity, or closed would engage in the proper steps to remove the equipment and structures related to mining in a prompt amount of time. This is required in a variety of durations in other communities' ordinances. The intent of these requirements is to not let an inactive mine

remain in a state of disuse for a lengthy period of time. It is noted that three months is on the shorter side of the range in area codes but was determined to be a reasonable duration by Eureka's policy officials. Six, twelve, and eighteen months are also fairly common standards. The Town may wish to review this code in the future to ensure that adequate time is given to permittees to re-establish the site to the Township's satisfaction. As it stands, it appears that the timelines established by code were intentional to ensure a swift resolution to these processes.

## **AMENDMENT 10**

**Request:** Remove requirement of at least 4 inches of topsoil to "a depth sufficient to establish vegetation to prevent erosion"

165-13, U, 4, C. All banks shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth sufficient to establish vegetation to prevent erosion at least four inches. All banks shall also be surfaced with sodding or seeding and mulching. Mulch must be properly anchored.

**Staff Analysis:** Waterford Township has a similar requirement to the requested amendment: Topsoil material shall consist of suitable plant growth materials, organic matter content, and thickness to support adequate plant growth. May Township required a topsoil depth of 4-8 inches. Scott County and Rosemount require a topsoil depth of 6 inches. The current Eureka Township requirement is consistent with most other communities in the table.

## **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission reviewed the application and held the public hearing at their June 3, 2025 meeting. The meeting was attended by many residents, who all spoke in opposition of the request. Many letters in opposition were also received ahead of the Planning Commission meeting. Two people spoke in support of the application; a representative of the Applicant and a representative of the property owner.

The Planning Commission voted unanimously to recommend **denial** of the requested text amendment package.

## **POTENTIAL ACTION**

- 1. Denial of the Request.** In the event of a decision for denial, the Town Board may refer to the resolution included in your packet.
- 2. Request Additional Information and Continue the Meeting.** The Applicant appears to have provided enough information for the Town Board to make a decision to approve or deny the request. Should the Town Board request additional information from the Applicant, the Town Board should continue the meeting until a later time.
- 3. Approval of the Request.** In the event of a decision for approval, the Town Board should direct staff to draft an ordinance adopting the amendments.

**ATTACHMENTS**

Draft Resolution of Denial  
Public Comment Letters  
Application Packet  
Comparison Table

***Eureka Township***

*Dakota County*

*State of Minnesota*

**RESOLUTION 2025-**

**RESOLUTION DENYING A REQUEST FOR A**

**TEXT AMENDMENT TO CHAPTER 165: MINING**

**WHEREAS**, Eureka Township received a request from OMG Midwest, dba Minnesota Paving and Materials, on behalf of LeRoy Chard, for a set of proposed text amendments to Chapter 165: Mining on May 1, 2025; and

**WHEREAS**, the Planning Commission held the public hearing and reviewed and considered the request based on the related documents shown in the Applicant's application at their special meeting on June 3, 2025 and recommended denial of the proposed text amendment; and

**WHEREAS**, the Town Board reviewed and considered the reports, documents, testimony, Planning Commission recommendation, and other materials presented; and

**WHEREAS**, the Town Board finds that the requested amendments are not consistent with the Township's current policies and goals related to balancing mining operations with other uses within the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Eureka Town Board hereby denies the Applicant's request for a text amendment to Chapter 165: Mining.

Whereupon the Chairperson declared the Resolution to be duly passed and adopted on

\_\_\_\_\_, 2025 by the Eureka Town Board.

\_\_\_\_\_  
Town Board Chair

\_\_\_\_\_  
Liz Atwater, Clerk/Treasurer

May 27, 2025

Mrs. Amy Liberty  
Eureka Township Deputy Clerk  
25043 Cedar Ave  
Farmington, MN 55024

Dear Mrs. Liberty,

Enclosed is citizen input for the Public Hearing on June 3, 2025 regarding non- resident landowner L Chard & Operator MPM applicant's request for significant revisions to our existing mine ordinance which will negatively impact Eureka Township residents.

I request and understand this will be part of PC June 3<sup>rd</sup> meeting packet and included in meeting minutes.

Thank you.

Best Regards,



Bill Clancy  
Past Chair of the Planning Commission  
Resident of Eureka Township  
25511 Ipava Ave Lakeville MN 55044



May 23, 2025

**RE: FACTS - EUREKA TOWNSHIP MN - EXISTING MINE ORDINANCE**

Refer the Text Amendment Application submitted by OMG Midwest dba MPM on behalf of the property owned by Leroy Chard at 5100 235<sup>th</sup> St W Farmington. Extensive records on file based on meetings held by Eureka Township Planning Commission and / or Town Board shows that:

- 1- **The original / existing mine** that operated previously was the Number One Violator of Township ordinances and generated many citizen complaints when operating. It is still in violation of the agreed upon reclamation in the original IUP, despite many meetings to discuss / identify options, with the Township on record "tell us what you can do if you can not do the original reclamation plan" to no avail.
- 2- **After many years of repeated IUP violations by MPM Operator / Chard Landowner**, and with limited enforcement options, the Planning Commission reviewed for over one year the mining ordinances of many surrounding communities and drafted a new ordinance incorporating best practices. During this same period a neutral third party was creating a recommended Mining Ordinance Model for Dakota County. When compared to the Eureka ordinance implemented it is very similar on major attributes. The applicant's "your ordinances are too restrictive" is a false narrative by individual who never complied with our old more lax ordinances.
- 3- **The expansion** of the mine west of the pipeline generated much concern by citizens regarding negative impact on quality of life and property value as evidenced by citizen letters and attendance at Public Hearing.

Key to expansion is allowing mining extraction and / or processing within 1,000 feet of existing residences. (*Point of Reference- When you take Exit 81 at McStop Hwy 70, before you cross over the bridge to cross Hwy 35 you have traveled over 1,000 feet.*)

**The Environmental Assessment Worksheet (EAW)** for the additional 55 acres of the 155 acre parcel dated September 2020 had many inconsistencies and errors, reviewed in working sessions with MPM and finally also the authors from Bolten & Menk. They withdrew it and said they would re-submit but never did.

*Note- Aside from numerous errors, it was prepared solely by B&M, and not in conjunction with PC per our ordinances. When asked why, B&M representatives publicly stated "because our client who hired us directed us to do so." This is just one of many examples of ignoring our ordinances.*

4- **Beware the applicants desire to circumvent the Town Board and our ordinances entirely** by inserting clauses such as “unless there is an agreement between the operator and the landowner to reduce setbacks”. They did this previously at the original mine. An agreement between Landowner and or Operator with a nearby landowner should not legally override Town Board nor local ordinances.

5- **Beware the applicants desire to expand source of Materials brought into Township as well as allow crushing.** The existing mine is played out in terms of gravel per MPM representatives both in and outside of meetings; “basically sand with limited commercial appeal, too small for us”. The real dollar value lies in the west side expansion and gravel extraction. The real use of the existing area would be to process material from the new expanded area, and, re-establish crushing facility of imported materials from outside Township.

*Note- This was a major source of noise (safety horns beeping with trucks backing up), operating outside permitted hours / days, and truck traffic previously.*

6- **In closing,** Documentation of all of the above is on file / in writing.  
It is a massive pile of records that would require extensive time to review by Planning Commission and Town Board to sort through. To be helpful, I have enclosed just a few documents buried in years of Township files. *The Citizens in their letters said it best.*

Thank you for considering this input.



Bill Clancy  
Former Chair of Planning Commission  
Resident of Eureka Township  
25511 Ipava Ave

Enclosures:

Examples of Citizen Letters, 9 letters, 10 pages.

Public Hearing Finding Of Facts June 22, 2021, 2 pages.

Town Board Annual Review ltr draft detailing over three violations in 2021, 2 pages.

B Clancy memo rebutting Feb 2023 MPM statements with violations overview page 2.

Eureka Township  
25043 Cedar Ave.  
Farmington, MN 55024

6-16-21

ATTN: Raneé Solis

In regards to the possible consideration  
of an amendment to mineral  
Extraction Performance standards to  
remove language which allows for the  
waiving of setback requirement  
relative to dwellings.

NO we cannot change the setback  
closer than 1,000 feet from our homes

I'm over 88 years old and we worked hard  
for our home. IT'S also the major part of our savings

We all know it will badly affect our health  
and greatly reduce our homes values

IT'S LIKE stealing from us  
so that someone else can make  
a great profit at our expense.

thank you for understanding

Donald H Holz signed  
Donald H. Holz

+ Glenda L Holz signed  
Glenda L Holz

Sorry I no  
longer have  
a typewriter

23787 Essex Ave  
Farmington, MN 55024

June 19, 2021

Dear members of the Eureka Township Planning Commission and Supervisors:

This letter is in support of the proposed amendment to the current mining ordinance in Eureka Township to maintain the 1000 foot setback for legal mining operations. This amendment would guarantee that Township landowners can continue to expect the quality of life they currently experience, without the possible intrusion of mining as close as 100 feet from their property. Such intrusion would have myriad negative effects, not the least of which are possible health hazards from noise and dust. Studies have shown property values in similar situations in the state to have dropped precipitously from pre-mining values and that same result would be expected in Eureka Township.

X Decisions of this scope and with such far-reaching ramifications for the Eureka Township citizens should not be made at the discretion of the sitting Township Board members. There is no reason to think that, given one exception to the rule, more would not be expected in the future. No elected governing body should have the power to make these exceptions on its own. Maintaining the 1000 foot setback as an ordinance would be advantageous to all Township residents and would contribute to the health, welfare and property values of those very residents. Surely these considerations for Eureka Township residents should be the primary motivation of the Township Board.

Please enter this letter in favor of enacting the proposed amendment to the current mining ordinance as part of the public record.

Arlene Goter  
23775 Essex Avenue  
Farmington, Minnesota 55024

Cc: Raneë Solis

Clerk@eurekatownship-mn.us

RE: Proposed text amendment to the current Mining Ordinance in Eureka Township  
June 16, 2021

To the Eureka Township Supervisors:

We are writing in support of the proposed text amendment to remove the exemption from the current Mining Ordinance that could allow mining closer than 1,000 feet from a residence.

The 1000 ft setback in our mining ordinance is the only protection Eureka residents have from losing our rural lifestyle & property values to unchecked aggregate mining expansion.

I have experienced first-hand the impact of mining on neighboring residents. The noise from equipment and excavating and backing-up beeping is extremely unpleasant and has a big impact on the quality of life, dust gets into homes and can cause lung issues, asthma, and other health problems, shaking can cause damage to pipes and structures. The Township Board should not have the ability to change the 1,000 ft setback distance in the ordinance at its discretion.

The setback in the current ordinance should not be negotiable by any sitting Township Board, no matter how well intentioned they may be. There is too much at stake for the residents of the township.

Please vote for the proposed text amendment and remove the section of the ordinance which allows the Township Board to reduce the 1000' setback at its sole discretion.

Thank you for listening to our concerns,

Atina and Martin Diffley

25498 Highway Ave

~~PROPOSE~~ Letters

In Favor

10 @ Steve H

✓

11 @ Voe

✓

12 @ Perry Wade

✓

13 @ L + B Topp

✓

## Bill Clancy

---

**From:** clerk@eurekatownship-mn.us  
**Sent:** Saturday, June 19, 2021 11:29 AM  
**To:** jrdalarson@frontiernet.net; rwood@eurekatownship-mn.us; Bill Clancy; burkhardtpd@msn.com; chadbergndsu@gmail.com; dburkhardt@eurekatownship-mn.us  
**Subject:** FW: Trevis Residence

-----Original Message-----

From: "Cindy Trevis" <cindyanddj@hotmail.com>

Sent: Saturday, June 19, 2021 11:20am

To: "clerk@eurekatownship-mn.us" <clerk@eurekatownship-mn.us>

Subject: Trevis Residence

To Whom it may concern:

My husband and I live at 5525 235th St W, near the MPM mine.

Because of the history of the gravel pit violations and the possibility of further expansion of mining closer to our home, we have with great anguish and despair decided to begin the process of putting our home up for sale before the inevitable loss of the value of our home. This forced choice of selling our home was not one we ever anticipated or planned, we hoped to live out our lives in our forever home.

Please forward this to the Board of Supervisors and Planning Commissioners.

Thanks,

Cindy Trevis

*Read into record  
by Cindy Trevis*

Tom and Laura Ekness  
24705 Essex Ave

Tom and I support closing the loophole in the existing ordinance regarding mining in Eureka Township. The current mining on 235 St has impacted our enjoyment of our property. We can hear the backup signals even though we are more than a mile from the source of the noise. We built our home more than 40 years ago to enjoy living in a rural environment away from the noise of town. We spend hundreds of dollars a year on feed for the birds and other critters. The mining of sand and gravel to pave sidewalks and pave roads while we seem to be stuck on a gravel road that will never see blacktop in our lifetime is a bitter pill to swallow. It is my understanding that the Metropolitan Council doesn't have any plan to pave Essex Ave anytime in the near future. I understand that we chose to live on gravel when we bought our property, but if we have to put up with the noise of mining in our area we should reap a reward for doing so. When we see new walking paths being paved along the new Co. Rd. 70 that seems unlikely to be of benefit to anyone currently, it doesn't seem fair that we have had our way of life impacted by the mining noise. The mining is for the financial benefit of a few at the disadvantage of those residents living close by. I have heard of the restoration of the land after the mining is completed. The land isn't restored. You aren't putting the sand and gravel back into the land. The drainage and soil is changed forever. We will also be impacted by increased traffic, and the intersection of Essex and 235<sup>th</sup> St is for the most part a blind intersection. The noise the dust and the increased traffic isn't worth the project for nearby residents

*Tom & Laura Ekness*

## Bill Clancy

---

**From:** clerk@eurekatownship-mn.us  
**Sent:** Sunday, June 20, 2021 7:48 PM  
**To:** jrdalarson@frontiernet.net; rwood@eurekatownship-mn.us; Bill Clancy;  
burkhardtpd@msn.com; chadbergndsu@gmail.com; dburkhardt@eurekatownship-  
mn.us  
**Subject:** FW: Mining ordinance  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----Original Message-----

From: "David Metzger" <metzusmc@frontier.com>  
Sent: Sunday, June 20, 2021 3:28pm  
To: clerk@eurekatownship-mn.us  
Subject: Mining ordinance

Want to have this message entered as part of the record for Tuesday June 22nd meeting on proposed amendment to ordinance 6, chapter 7, section 1.  
We ( David and Kelly Metzger ) support the proposed text amendment.



## Bill Clancy

---

**From:** clerk@eurekatownship-mn.us  
**Sent:** Sunday, June 20, 2021 7:48 PM  
**To:** jrdalarton@frontiernet.net; rwood@eurekatownship-mn.us; Bill Clancy;  
burkhardtpd@msn.com; chadbergndsu@gmail.com; dburkhardt@eurekatownship-mn.us  
**Subject:** FW: Proposed amendment to Ordinance 6 , Chapert7, Section1(M)  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----Original Message-----

From: "Brian Ahern" <nbahern@gmail.com>  
Sent: Sunday, June 20, 2021 5:05pm  
To: clerk@eurekatownship-mn.us  
Subject: Proposed amendment to Ordinance 6 , Chapert7, Section1(M)

Good Morning,  
We would like to have our support for the proposed text amendment entered as part of the record.  
Thank you,  
Brian Ahern- 6215 235th St W, Farmington, MN 55024  
Nancy Ahern -6215 235th St W, Farmington, MN 55024  
612-860-1613

## Bill Clancy

---

**From:** clerk@eurekatownship-mn.us  
**Sent:** Friday, June 18, 2021 10:38 AM  
**To:** jrdalarson@frontiernet.net; rwood@eurekatownship-mn.us; Bill Clancy; burkhardtpd@msn.com; chadbergndsu@gmail.com; dburkhardt@eurekatownship-mn.us  
**Subject:** FW: RE: proposed text amendment (mining activity)

-----Original Message-----

From: "clerk@eurekatownship-mn.us" <clerk@eurekatownship-mn.us>  
Sent: Friday, June 18, 2021 10:32am  
To: "mjssell@frontiernet.net" <mjssell@frontiernet.net>  
Subject: RE: proposed text amendment (mining activity)

Hi Ray and Mary Jo,  
I have received your comment, it will be acknowledged at the public hearing and become part of the minutes.

Thank you,

Ranee Solis, Clerk  
Eureka Township

-----Original Message-----

From: "mjssell@frontiernet.net" <mjssell@frontiernet.net>  
Sent: Friday, June 18, 2021 10:00am  
To: "clerk@eurekatownship-mn.us" <clerk@eurekatownship-mn.us>  
Subject: proposed text amendment (mining activity)

Hi  
Ranee!

Our names are Ray and Mary Jo Sell and we live at 5575 235th Street West Farmington, MN 55024. We want to go on record as supporting the proposed text amendment that would remove the section of the ordinance which allows the Township Board to reduce the 1000' ft setback at its sole discretion (concerning mining activity). We feel that if the Township Board should decide to reduce the 1000' ft setback in this area, it would adversely affect us and nearby property owners. Please enter our message as part of the record. We would greatly appreciate if you would confirm to us that our message has been recorded.

Thank you! Ray and Mary Jo Sell (651-463-8158)

## Comment Letter on Text Amendment for Mining Ordinance

I support the proposed text amendment to clarify setbacks for mining of aggregate in the Township. Setbacks and buffers provide habitat and visual and noise screening, the value of which cannot be overstated. The more the public is screened from the unpleasantness of mining, the fewer complaints the Township will receive. Decreasing the set back to 100' would greatly exacerbate the negative impacts that mining already has on surrounding properties including:

- lowering property value
- increasing noise
- increasing vibration
- increasing fugitive dust with impacts on health and crops

I reproduce below a page of an open file report from Washington State on noise levels and setback distance. Note that loaders, crushers, and trucks are still in the "annoying to very annoying, hearing damage" range at 100 feet. It is only after they are set back over 1,000 feet that they reach the sound level of an air conditioner and allow for telephone use.

For safety purposes and to prevent failure of mine sides, setbacks also have to exceed the depth of the mine by *at least* 1.5 time the vertical height of the pit wall.

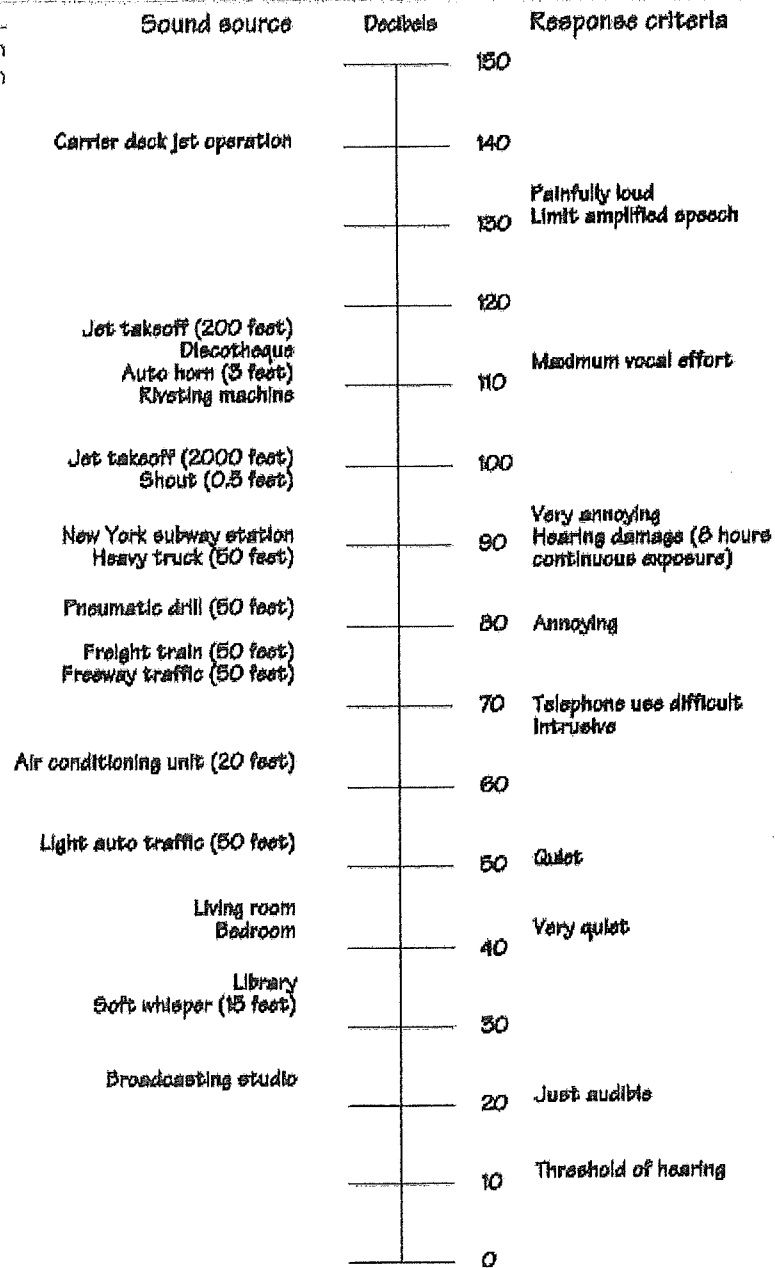
In addition, I would like to point out that it was never the intent to allow long-term, un-reclaimed pits to exist in the Township. Reclamation would ideally occur in stages as segments of the pit are exhausted or temporarily reclaimed following a dormant period of a few years.

Mine sites were never intended to be permanent locations for activities such as hot mix, asphalt or concrete plants. Those activities, if permitted at all, were to accelerate the depletion of the materials in the pit and allow for even earlier reclamation. That is why there is a limit on how much material can be imported into a pit. That material can also only be mixed with aggregate from the pit. Topsoil, mulch and other organic materials that are imported and stored or sold, unmodified are not allowed. Again, this is to accelerate depletion of the material in the pit and lead to reclamation of the area. That is the end goal; mine it out and then get out.

There are already too many former or dormant mine sites in the township that are improperly reclaimed. They are hazards to humans and wildlife, attract illegal dumping, off-road vehicles, and compromise groundwater quality, not to mention being unsightly.

Carrie Jennings, PhD, Professional Geologist license # 53476  
8919 280<sup>th</sup> St. W  
Eureka Township

**Figure 3.7.** Noise levels and human response for some common noise sources. (Modified from Barksdale, 1991.)



**Table 3.1.** Summary of noise measurements and projected noise levels in decibels (dBA) for common mining equipment (Barksdale, 1991)

Noise source	Measurements	Projected noise levels		
		1,000 ft	2,000 ft	3,000 ft
Primary and secondary crusher	89 dBA at 100 ft	69.0 dBA	63.0 dBA	59.5 dBA
Hitachi 501 shovel, loading	92 dBA at 50 ft	66.0 dBA	60.0 dBA	56.5 dBA
Euclid R-50 pit truck, loaded	90 dBA at 50 ft	64.0 dBA	58.0 dBA	54.4 dBA
Caterpillar 988 loader	80 dBA at 300 ft	69.5 dBA	63.5 dBA	60.0 dBA

## **Eureka Township Planning Commission Public Hearing 7pm June 22, 2021- Finding of Facts**

### **Proposed Text Amendment-**

Ordinance 6 Mining, Chapter 7, Section 1, Mineral Extraction Performance Standards, removal of language permitting Town Board to reduce 1,000 ft setback from a mine to dwelling.

**Proper Public Notice-** Given / Published.

### **Public Participation-**

a-Numerous citizens wrote letters prior to the meeting, with many submissions less than one hour prior to Public Hearing. All letters received were read into the record / minutes. Many citizens spoke at the meeting. All citizens (except one speaking for his mining business interest) voiced strong support for the amendment. Citizen reasons will be recapped under "Rationale"

b- Several representatives of mining companies spoke at the meeting, asking Planning Commission not to approve the text amendment. Mining commercial interest will be recapped under "Rationale".

### **Planning Commission Action-**

At the closing of the Public Hearing, the Planning Commission discussed the input received. A motion was made, was seconded, and passed to recommend to the Town Board the text amendment be approved.

### **Rationale for approval of text amendment-**

#### **Public and Planning Commission comments crossed a wide variety of topics-**

- 1- Quality of life- Concerns exist about noise / dust /traffic. Concerns expressed about possible impacts on personal health and crops due to fugitive dust. Concern expressed about possible groundwater quality being compromised. Mining representatives stated that actions can be taken to mitigate concerns (different back up beepers, berms, etc.).
- 2- Impact on home value- Concerns exist about the negative impact an active mine, which often operate for decades, has on home values. Home values often represent a major portion of citizens financial assets. Operating mines can be unsightly if not properly screened.

Mining representatives referred to former mines that have been developed into beautiful neighborhoods with expensive homes as proof mines do not negatively impact home values over time. Citizens were referring to active mines negatively impacting their home values present day, not decades later upon reclamation completion. Citizens pointed out reclamation actual progress in active mine lags significantly.

- 3- Mine expansion- Mining representatives reiterated the need for aggregate. It appeared all parties agree that pressure for mining will continue / grow in Eureka Township.

Eureka Township is surrounded by four Townships, two of which do not permit multiyear commercial mining, and two which limit to Mining districts. Eureka does not limit mining to a Mining District and allows anywhere. Mining is permitted via a Interim Use Permits. Mining often continues for decades with recent EAW's requesting up to 40 years operational duration.

- \* Citizens expressed concerns about "unchecked" aggregate mining expansion. Citizens referred to prior complaints / quality of life issues. Citizens complained of "the financial benefit of a few at the disadvantage of those residents living close by". One household reported they are on the verge of selling their home for fear of mining expansion and impact on their home value "due to anguish and despair." Citizens complained "....there are already too many former or dormant mines site in the township that are improperly reclaimed."

- 4- Town Board Discretionary Power to reduce Setback below 1,000 ft- This is the heart of the issue and text amendment removes that power. Citizens were clear with comments including:

"...not be negotiable by any sitting Township Board.... too much at stake....at its sole discretion."

"...intrusion....no elected governing body should have the power to make these exceptions on its own."

"...closing the loophole."

Citizens expressed concern that granting one reduced setback sets a new precedent ".... that will most likely become a new standard township wide".

- 5- Existing Text Amendment language-

a-The exact origin of the language in question is undocumented. Citizens who served on the original task force developing the language could not explain at what point this language became included in final draft.

b- As an example, the current landowner and resident (Virginia Windschitl) who still lives in the original farmhouse immediately adjacent to the MPM Mine, and, whose family sold the property that today is owned by MPM, commented how important the existing 1000 setback was to them and how they never foresaw it being reduced below 1,000 ft to allow any expansion.

b- The language requires the Town Board to operate under very subjective interpretations of the wording; in its nature allows broad discretion. This creates opportunity for legal challenges to the Township. This creates uncertainty for citizen homeowners in terms of quality of life and home value concerns, as well as potential buyers of homes.

Am7  
M B M  
K. L. H. W.

[Letter to MPM and MPM mine owner-Leroy Chard or CRH-which ever is the publicly listed owner]

Re: Conclusion of Eureka Town Board 2021 review of Amended Eureka Pit IUP Annual Report, Property ID # 13-01200-011-50

The record before the Town Board of Eureka Township shows that during 2021, the Eureka Pit had more than three violations of its IUP and the Eureka Ordinances. Two of the violations, as identified below, are deemed critical and will be carried over into the pit's record for 2022. The IUP for the Eureka Pit terminates in 2024. The Town Board will give the owner of the Eureka Pit written notice and an opportunity to be heard as provided in Ord. 6, Ch. 8 if the Town Board considers revoking the IUP prior to its established termination date.

Several, but not all, of the violations related to the Eureka Pit are set forth in the Eureka Pit annual review letter submitted by MPM to the Eureka Township Zoning Department, dated January 12, 2022. In that report, MPM incorrectly defines every complaint that it subsequently worked to resolve as something other than a violation. MPM misunderstands the nature of violations under the ordinances. A verified ordinance violation is a violation, regardless of whether MPM later corrects it. It is obviously in everyone's best interests to have violations corrected as soon as possible, but the point is to avoid the violation from occurring in the first place. But when they do occur, they become part of the record of the pit even if later corrected. Furthermore, each day a violation continues beyond the allotted time to repair constitutes a new violation.

#### Violations

1. MPM improperly stored material in violation of Ord.6, Ch. 7 (L).
2. MPM stored asphalt and concrete at the MPM mine in violation of Ord. 6, Ch. 7, (B). This ordinance violation was only discovered because of consistent citizen attention brought about by years of abuse. On initial questioning by the Town Board, MPM's representative were not candid about whether they were aware, when they dumped the material, that storage of this material—when originating from sources other than Eureka's roads—was an ordinance violation. **The Town Board deems this violation a critical violation.**
3. Reclamation on Phases 2-5 did not happen as specified in the mining and phasing plan. This failure is a violation of Ord. 6, Ch.7 (U). That plan states that "each completed phase will be reclaimed as mining progresses to the next phase." The IUP states that "reclamation shall be completed within nine (9) months of cessation of extraction, as required by Township ordinance." MPM took over the Eureka Pit in 2017. According to statements at the April 12, 2022 Town Board meeting, MPM has only ever mined in the Phase 1 area and stopped mining even that area before 2021. The land in Phases 2-5 should have been reclaimed, at a minimum, in 2018. **The Town Board deems the failure**

**to conduct this required reclamation four separate critical violations in each of years 2019, 2020, and 2021.**

MPM has also exhibited a continuing lack of candor with respect to reclamation. When the complaint that MPM was not reclaiming as required was first raised at a November meeting of the Board, MPM admitted its complete failure to reclaim any of the area that had been mined, but stated that it would need time to amend its reclamation plan. The Board agreed to give it time to submit such a plan, but, without investigation, could say nothing about whether there was an ongoing violation. Subsequently, [at a January meeting,] MPM said that it could not start reclamation without a revision to the IUP to permit removal of a berm because state law prohibited the importation of topsoil.

At the February mining review meeting, MPM admitted it could point to no such state law. On March 14, 2022, MPM submitted a document entitled "Reclamation Plan for the MPM –Eureka Pit Mine Phases 3,4 and 5." On March 17, 2022, MPM sent a clarifying letter stating that the March 14 document was not a reclamation plan, but rather, a response to the November complaint. There was no "new reclamation plan." MPM would follow the original plan. MPM never needed additional time. During a Board meeting on April 12, 2022, when a Supervisor asked why MPM said it needed time to draft a plan if it was just going to follow the original plan, the representative answered that it could not start reclamation in November when the ground was frozen. In essence, the request for time to submit a plan amounted to nothing more than an unnecessary delay. Making unsupported statements and causing unnecessary delay does allow MPM to escape a finding of ongoing violations every day in 2021 that MPM did not completely reclaim the land in Phases 2, 3, 4, and 5 is a critical violation of the Eureka ordinances and the Eureka Pit IUP.

The items of noncompliance must be corrected as soon as possible. Failure to do so could result in the Town Board undertaking the process to consider the revocation of the IUP. Please note that revoking the IUP would not relieve MPM from its obligation to fully reclaim the property.

[Closing and signature lines for Lu Barfknecht or another Supervisor]



*MPM*

Eureka Township Public Input Mining Text Amendment MPM letter of Feb 20, 2023

The February 20<sup>th</sup> letter from Mr. Mark Butler of MPM Minnesota Paving & Materials contained the following key excerpts about Eureka Township Mining ordinance text proposal:

"Placing undue restrictions."

"overt attempt to thwart all mining activities and squarely position the Township to restrict private property rights through government interference and restriction."

"Contribution to environmental degradation for all American Citizens."

"without establishing criteria to support just cause."

"arbitrary"

"Due to Township strong anti-growth and development stance."

Suggests Township should take liability for trespassers on private property."

These statements are not accurate; refer our Comprehensive Plan as well as text itself.

It is significant and ironic to note that MPM letter also challenged changes proposed on two key areas:

- 1- Enforcement- ".....by removing the stepped notice process, the Township is proposing to allow permit revocation without providing the operator any opportunity to correct and real or perceived violation." (Not correct, see text)
- 2- Reclamation- MPM challenges the revised reclamation plan and basically states no change is possible. "MPM understands its current submitted and approve reclamation plan is controlling its current and future mining activities. Additionally, all previous mining activities are controlled by existing Interim use Permit (IUP) and not subject to any proposed mining ordinances. (Not correct)

Let us review the well documented facts related to MPM's Reclamation and Enforcement:

Reclamation-

The development agreement and IUP from inception of this mine in 2007 called for, and still calls for, five phases of mining, with reclamation to commence within 90 days of completion of mining in each phase. This was NOT done despite repeated inquiries from Township. During discussions in recent years MPM representatives provided a long line of changing excuses for this continued failure to reclaim:

- a- "We can not bring in topsoil to conduct reclamation as it is illegal" per Mike Callahan in public meeting. (False)
- b- "We would need to take down the berms to begin reclaim and that is a catch 22 as we would not be in compliance with berming requirements. (Problem inherent in a poor reclamation plan they set up, so Township said "Fine, we understand, we can be flexible, tell us what you want to do to proceed." No action by MPM.)
- c- During the 4-28-23 joint site visit to mine with MPM representatives, following up on site on some initial dirt moving as part of reclamation, I suggested they take down at least portions of the berms to determine if any topsoil. "There is no topsoil in the berms" was the response.

- d- During the 4-28-23 joint site visit to mine with MPM representatives stated desire to submit a new reclamation plan that they could execute and Township expressed willingness to be flexible, even moving pond location to what might work better / easier. Township expressed desire for a reclamation plan MPM could implement. MPM agreed to submit. After several months I inquired status and was told "the drone broke, we will get back to you". No further word from MPM, another season lost.
- e- During the 4-28-23 joint site visit to mine with MPM representatives, I looked down into the deepest hole on the entire site, phase 5, in south rear of pit. Recalling the numerous statements made by several previous MPM representatives on the record in meetings about the existing pit aggregate being virtually exhausted, especially during the recent past review of MPM request to expand the pit due to lack of materials in existing pit, I asked why MPM had not begun any reclamation in phase 5 abandoned hole. The stated reason is the landowner would not agree to allow MPM to reclaim this final phase 5 section as landowner claims more material exists in this hole.  
I expressed my surprise that representatives from the largest concrete and aggregate producer in the entire world, CRH of Dublin, could not determine if there was or was not more material in the hole to mine. MPM representative chuckled and said "There is nothing in that hole worth mining" and they would love to exit the pit and their relationship with the landowner. It should be noted that this property remains for sale by the landowner as an active mine. Perhaps the ability to sell land as an active mine might be impacted if all reclamation required by the existing IUP was completed?
- f- The landowner did months later in Fall come to a Town Board meeting and basically state all the problems with conforming to our ordinances in terms of citizen complaints as well as failure to reclaim was the fault of MPM, in his opinion, but no evidence presented.

#### Enforcement-

- a- The mine, currently operated by MPM, has a long painful history of non-compliance with Township ordinances dating to mine inception in 2007.
- b- MPM has triggered complaints beyond failure to reclaim, including multiple instances of weekend operation, concrete dumping (not from a township road), concerns about the percentage of imported materials versus excavated materials for the Ready-mix cement plant that was in operation, concerns about the Ready-mix cement plant actually being the primary use instead of permitted secondary use, and other issues. In fact in 2021 two violations were deemed "critical violations" under the existing ordinance language, one involving the blatant disregard of local ordinances on June 27<sup>th</sup> 2021 by dumping many truckloads of asphalt from a private parking lot in Township, that had to be removed.

All interested parties should be advised that MPM's long history of negative impact on citizen's quality of life due to non-conformance to existing ordinance as written was the driver forcing the Township to review our ordinances and improve same. It is something we must do, will do, while utilizing all valid factual input available to craft fair effective new ordinance.

Bill Clancy

## Eureka Township Deputy Clerk

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**From:** Eureka Township Clerk  
**Sent:** Monday, June 2, 2025 10:08 AM  
**To:** Eureka Township Deputy Clerk  
**Subject:** Fw: Opposition to proposed revisions of Chapter 165 Mining

A public comment for your to read at the Public Hearing.

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**From:** Donna Limback <[REDACTED]>  
**Sent:** Friday, May 30, 2025 12:18 PM  
**To:** Eureka Township Clerk <clerk@eurekamn.gov>  
**Subject:** Opposition to proposed revisions of Chapter 165 Mining

I strongly oppose the revisions of Chapter 165 proposed by LeRoy Chard and Minnesota Paving & Materials. My home is located at 24644 Essex Ave. We can see this property from our window. These proposed changes would negatively effect my property value (and many others) and the surrounding environment. Past ordinances and restrictions were placed for a reason. Let's stick to honoring them.

Donna Limback Reyelts  
One

Donna Limback -  
24644 Essex Ave.

please include this email as part of the comments for the June 3 public hearing on the proposed changes to the mining ordinance

From Wendy Klager [REDACTED]  
Date Mon 6/2/2025 5:06 PM  
To Eureka Township Clerk <clerk@eurekamn.gov>

I live at 6141 235th St W In Eureka Township. I am writing to oppose the proposed mining ordinance text amendment.

A task force of citizens developed our mining ordinance with input from citizens to protect the quality of life and property values of all Eureka residents, not the bottom line of a mining company.

The mining company asking for the ordinance text amendment has a track record of violating the existing ordinance. Why should we allow them to dictate changes to our ordinances?

- Their rationale for removing 1654(B) is ridiculous. Our township ordinances can, and have been, amended over time. There is nothing stopping any future town board to make any changes they want.
- I don't agree with the proposed amendment to 165-6(a)(3). If something has occurred that the mining company is requesting a new permit, it makes sense that a new EAW would be required.
- I don't agree with the proposed amendment to 165-11(f). Residents of Eureka deserve an EAW on all proposed mines, regardless of size.
- I don't agree with the proposed amendment to 165-11(l). There should be no variances; the mining ordinance should apply uniformly to all mining operations in the township.
- I am opposed to the proposed amendment to 165-13(b)(1) and (2) as this will likely greatly increase noise for the mine's neighbors.
- I am opposed to the proposed amendment to 165-13(m). Any parent can see that this is a version of "but my friend Jimmy can do it, why can't I". Most of the other jurisdictions referenced in their rationale are more rural than the neighborhood of this mine.
- I am opposed to the proposed amendment to 165-13(o). Berms are necessary to protect the mine's neighbors quality of life and property values. Any reduction in requirements will negatively affect neighbors. See also previous point.
- I am opposed to the proposed amendment to 165-13(p.) Their rationale seems to be that the current requirement is too hard without explaining how it is "unworkable." I find it difficult to believe that shorter stockpiles are harder to make than taller stockpiles.
- I am opposed to the proposed amendment to 165-13(t)(2)(c). Quadrupling the time needed to complete reclamation will quadruple to amount of time the mine remains an eyesore for the mine's neighbors.

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Comment regarding OMG Midwest Mining Text Amendment Application

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 <pet@klager@yahoo.com>

Date Mon 6/2/2025 5:56 PM

To Eureka Township Clerk <clerk@eurekamn.gov>

Please enter the following comment regarding the OMG Midwest Mining Text Amendment Application in to the record for the public hearing.

I am against the proposed changes to the mining ordinance. I feel the current ordinance does a good job of protecting the interests of the township and its residents. The proposed changes, if approved, would be detrimental to the quality of life of the township residents.

Alan Klager

6141 235th St W



Beth Eilers 10185 250th St W, Public Hearing Text Amend 6/3/2025

Eureka Township has approximately 500 households and approximately 1400 residents that live in the township.

Eureka Township has a part time town board and planning commission and 1 ½ clerks. That's it.

You have before you a request for several significant changes to be made to the Mining Ordinance language. This request has been made by ONE PERSON. A person who is a property owner but does not live in Eureka township, he lives almost an hour away in Belle Plaine.

The commercial truck traffic on roads in Eureka Township is already significant, adding to it is an extremely bad idea. Adding to the traffic on the roads in our township will not benefit this township in any way.

I believe you will be hearing about the petition with over 200 signatures of people who live in this township who DO NOT want the changes requested by ONE PERSON, who does not live in this township or even this county.

The change requested by this ONE PERSON is not isolated to this one property, but rather it will be imposed on the entire township. The townships historical failure to enforce ordinances coupled with a part time administration and office staff. This is a lose lose idea.

The town board's duty is to represent the majority of residents of the township. The town board's OBLIGATION, is to those residents who LIVE in the township. The residents who live on the land they own in the township are those who are affected by the everyday life in this township. Changing the mining ordinances will have nothing but an extremely negative effect on the everyday lives of those who live in Eureka Township.

I respectfully request that you deny this text amendment request.

Brian Ahern 6215 235<sup>th</sup> St W. 43 year resident of Eureka Township. Good evening, thank you for the opportunity to speak on this very important topic! The impacts of this proposed text amendment if approved, could be Township wide!

I had my comments already written & ready to go. But then I read the analysis prepared by WSB, the Township's consulting Planners & Civil Engineers. WSB's analysis & comments very closely mirrored my thoughts. They also mirrored the many conversations my wife & I had with neighbors across the township. THEY GET IT! Yes, there's aggregate resources to be mined in the township. But at the same time PEOPLE LIVE HERE. There needs to be a balance between the two. To conserve time & allow others to speak I'll comment on just a few items in the application.

1. Reduction of 1000' setback to 300' or less. Opening large scale mining operations within 300' (or less) of residential homes exposes the residents to unacceptable levels of noise, dust, vibration, increased heavy truck traffic and **REDUCED PROPERTY VALUES**. Given that we do not have a mining overlay or mining district in the township. The current 1000' setback is really the only limited protection residents have from mining operations beginning to operate right on top of them. With no avenue of recourse available to them. Our homes & property are typically the largest investment most of us have. To think that our local government would consider making a text amendment change to an ordinance that threatens the value of those investments for years to come is hard to comprehend. The proposed setback of 300', **or less** if we can make a deal with adjoining property owner(s). Is this the way all of our ordinances w/ setback requirements are going to be handled in the future? IF I want to build my dream home on a lot that's too small to meet the setbacks in the ordinance. Well, if I can make a deal with the current owner of

the adjoining property for an undisclosed amount of cash & maybe a future draft pick. Then the setback in the ordinance just goes away? If I want to place my animal barn & yard right on the property line of an adjoining lot. At a distance considerably closer than current setback allows to their house, well or septic. If I can make another deal, the ordinance setbacks just goes away? Of course we're not going to do that. Setbacks in ordinances should not be negotiable.

2. No new level 3 mines until one closes & is reclaimed. As noted in the WSB report. This is not uncommon for communities without a mining overlay district. It is perfectly reasonable & common to cap the number of level 3 mines. It's a means of maintaining the balance between mining & impact on the communities residents.

3. Add a variance as an option rather than satisfying all IUP procedural requirements for a mining permit.

I surveyed Eureka, Empire, Apple Valley, Lakeville & Rosemount for parameters to qualify for a variance. They are all very similar. Economic considerations are not grounds for a variance. The plight or hardship of the landowner has to be due to circumstances unique to the property, not created by the landowner or previous landowner. Granting of the variance can not alter the essential character of the locality. A variance is not intended to be a mechanism to avoid or ignore provisions in an ordinance that are deemed not convenient.

To sum it up. I've talked to more of my neighbors in the last week than I usually do in a year, maybe two. Most of them outside the 1000' mailing radius of the mine property, didn't know anything about this. The notice in the paper came out on a Fri of a holiday weekend. No one we talked was in support of this text amendment. I would say the most common concerns were:



1. Reduction of the setback from 1000' to 300' (or less) and the resulting exposure to noise, dust, vibration, truck traffic & reduced property values.
2. Increase in heavy truck traffic & overall traffic safety on 235<sup>th</sup>. 235<sup>th</sup> has seen dramatically increased traffic levels & become a very heavily used truck route.
3. Elimination of the ordinance provision restricting permitting of any additional level 3 mines before one of the existing level 3 mines is closed & reclaimed. The result is the possibility of multiple level 3 mines being opened across the township. Some or most in close proximity to existing homes.
4. Effects of expanded mining on water quality both at the surface & in the aquifer. Possible failure of existing older wells surrounding the mine site due to increased mining activity.

As a township, we had the foresight & good judgment to realize we needed to hire professional help in the area Planning & Civil Engineering. I hope we have the same foresight & good judgment to listen to them.

Thanks for your time.

Brian Ahern  
6215 235<sup>th</sup> St W  
Farmington, MN

TO: Eureka township planning commission;  
about the proposed text ammendment  
to the mining ordinance

I have worked hard for almost 30 years  
to be able to afford the home I Live in.

I worked hard to have peace and quiet.

I worked hard to Live in an open space  
with a view.

I worked hard so I could invest my money  
in a property I've always wanted.

I DID NOT work hard so a big company  
could take all of that from me along  
with everyone else living here.

Property values, quality of life, physical and  
mental health WILL all be negatively  
affected if this text amendment passes.

It may only affect some of us in this  
township now, but it has the potential to affect  
many more of us in the future.

we CANNOT ALLOW THIS!

Josh Bugdster  
Josh Bugdster  
Katrina Birdsall

June 3, 2025

**RE: Eureka Township Mining Ordinance changes requested by LeRoy Chard Landowner and Operator MPM.**

From Bill Clancy 25511 Ipava Ave Lakeville MN

The application should be recommended for denial by the Planning Commission and denied by the Town Board. It contains many changes detrimental to the quality of life of residents, **especially the reduction in setback below 1,000 feet as well as the desire to import and crush cement & asphalt. ABSOLUTELY NOT!**

The 1,000-foot setback is critical as it is citizen's only protection as we do not limit mining to within a designated Mining District. To understand 300 feet stand at the front door of this Town Hall and look to the center of the intersection of 250<sup>th</sup> St and Cedar....that is exactly 300ft. Now imagine your family here living in this home with a mining operation and all the related equipment operating, plus the many trucks bringing materials in and dumping, large crushing equipment operating and loading & shipping out. 300 feet is very short; when Supervisor Pope begins walking east from his driveway toward his brother's driveway, he can't even get there as that short distance is over 300 feet.

1,000 feet is not much....when you exit Hwy 35 at McStop and begin to cross over the freeway eastbound you have already traveled 1,000 feet before you are all the way over the bridge. If you look out the west window across this farm field, the tree line is 2,500 feet away from this room....your new living room.

The applicant's track record within our Township clearly demonstrates one ordinance violation after another for many years.

We had a very simple Mining Ordinance with simple clear rules spelled out in their IUP.

The IUP was clear about Operating Hours during weekdays and weekends....which they violated many times. When weekend violations were documented, MPM often blamed the outside trucklines for showing up on weekends, unlocking the gate and operating outside IUP.

The IUP was clear, as was the old ordinance, that reclamation should be done within 90 days as each part of the mine is completed. It never happened and remains out of compliance even after the IUP expired.

The IUP was clear about what materials could be imported into the site and in what quantify....which they violated many times. When they brought in concrete to crush they looked us in the face and said it was from the Township roads....we explained there were no Township cement roads. When they tore up the entire Glory School asphalt parking lot and trucked all the material in, we asked what part of the simple ordinance / IUP did they not understand.

Our Township was forced by their repeated ordinance violations to revisit, review and strengthen our Mining ordinance for the entire Township, especially in the area of enforcement. The landowner and Operator in question did not follow the old ordinance and now do not want to follow the new ordinance. Their past performance history shows they are bad neighbors to residents.

Who would benefit from allowing this problem mine to not only re-open but to expand closer to citizens homes?

Town Board Supervisor Alan Novacek has made public statements supportive of re-opening this mine, including one incredible statement ".....it would be a win-win, except maybe for the neighbors."

Please note that any public statement supporting, or not supporting, the re-opening and expanding this mine is improper by any PC or TB member prior to Public Hearing. PC and TB are responsible to gather facts, conduct a Public Hearing, and then decide.

Citizens need to fix that problem on the next Town Board election date in March 2026.

*Thank you.*

*Bill*

From: Randy Wood

23775 Essex Av

Farmington, MN 55024

To: Eureka Planning Commission

25043 Cedar Ave

Farmington, MN 55024

As a member of the original task force and co-author of the original mining ordinance of May 2002, task force members were Pat Steege, Glen Shirley, Sharon Buckley, gravel miners Kenny Miller & Don Storlie and chaired by Gary Smith (all who have lived in the township for much of their lives). We gathered together each week at town hall for more than a year to research the "**Best Practices**" and what the other townships had for their mining ordinance language. Mr Storlie and Mr Miller were helpful, being they were more experienced in the mining business and what the ordinance should include. We studied and agonized over the wording in each sentence of that ordinance.

**The task force agreed that the purpose of the ordinance would be the "Rules & Regulations" in such a way that would EXPEDITE the removal of the sand and gravel so the land would be reclaimed by the permit holder and put back into productive agricultural use.**

**This ordinance is the essence of our current ordinance and has stood to the test of time for nearly 25 years.**

Also, about 3 years ago, there were additions to the ordinance that added some reclamation and enforcement rules that were never addressed.

Our current mining ordinance was written to regulate how much mining is conducted to protect our residents' health, safety, and welfare.

**Mining was meant to be ONLY TEMPORARY USE OF THE LAND.** Once the sand & gravel were removed, its purpose as a mine ceased. Thus, **reclaimed** and returned to agricultural land. **We drew up an ordinance that was fair to ALL.**

But what we have today is this text amendment introduced by a large multinational gravel operator who has, on record, repeatedly violated our ordinance for several years.

**They are asking to change :** (1) **Setbacks**, (2) **Allowing an unlimited number of mines**, (3) They are asking to **allow decades-old EAW's** (Environmental Assessment Worksheets) **for a new IUP permits** (Interim Use Permit), (4) **Allowing "Variances"** in all mining IUP's. (5) **Allow unlimited crushing** of recycled materials. (6) **Reducing berms** (7) **Remove limits to heights of stock piles & equipment** which would be **closer to homes**. (8) Increase the amount of time to remove structures and grading of the pit after the conclusion of mining. (9) **They want to remove our topsoil requirements for reclamation. (BAD IDEA), it would never be able to be farmland again without the topsoil.**

**All the changes they are asking for goes against our way of life; it would turn farmland into a wasteland after mining and be a real detriment to anybody living near one.**

Allowing these changes will be catastrophic to many residents in our township. Closer operations from homes will create MORE noise, dust, traffic, and less safety on our roads. Fewer berms and higher stockpiles will create a nightmare and lower values for those homes. **If these changes are adopted, my home alone will take a six-figure loss in value when selling.** My home value is my retirement when I do decide to sell. I cannot afford to take such a loss.

**I'm asking you planning commissioners to agree with our township PLANNER and recommend denying these changes.**

**Keep the ordinance language as it currently is.** The text amendment is asking for farmland to change from a 10-15 year pit life to likely 30-40 years or more industrial crushing site with increasing noise and truck traffic in addition to being closer to homes. This will be detrimental to the value and quality of life of our homes in Eureka.

Randy Wood

June 3, 2025

## June 3, 2025 – Citizen Petition

In just a few short days prior to this Public Hearing, 206 citizens from all across Eureka Township have agreed with and signed the following Petition requesting the Township deny all proposed text amendments to the Eureka Mining Ordinance requested by LeRoy Chard, OMG Midwest dba Minnesota Paving and Materials in their April 18, 2025 application.

Signatures will continue to be accepted; any citizen wishing to sign it on additional signature pages may do so here tonight, or before Town Board meeting next Tuesday, at which time it will be resubmitted.



June 3, 2025 To Planning Commission

**Eureka Township Citizen Petition to Town Board May 2025**

**STOP THE MINING ORDINANCE TEXT ADMENDMENT**

**STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.**

**We are against-**

**Changes to the ordinance that will negatively impact our quality of life and property value by re-opening the existing old mine and / or expansion; including:**

- any reduction in setback below 1,000 feet.
- importing of materials for crushing operation.
- applicant's desire to circumvent ordinances by private payments / agreements with neighbors.
- applicants desire to circumvent ordinances by variances.

**Rationale-**

- The text amendment, as well as any IUP application from the landowner L Chard and Operator MPM at 235<sup>th</sup> St site, should be denied based on applicant's long track record of ordinance violations for many years. Their past performance proves they are not good neighbors.
- Landowner Chard & operator MPM had an IUP with clear simple rules which they violated repeatedly, including basic conformance to operating hours and not importing materials.
- Eureka Township had a very simple Mining Ordinance which was enhanced due to their repeated violations.
- The text amendment proposed by applicant is a threat to quality of life and property value of ALL RESIDENTS across the entire Township, not just all those in close proximity. Revisions would impact entire Township, for all existing and future mines.
- NUMEROUS REPEATED VIOLATIONS by this landowner / Operator must be a major factor in weighing the landowner property & mining rights versus all Township resident property rights and denying any future IUP. WITHOUT repercussions for bad behavior, they have no reason to comply with any ordinances past, present nor future.

206 Signatures Attached



# Signature Pages -Eureka Township Citizen Petition

STOP THE MINING ORDINANCE TEXT ADMENDMENT

STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.

Print Name Clearly	Print Address Clearly
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William T CLANCY	25511 IPAVA AVE LAKEVILLE
Christine I. CLANCY	25511 IPAVA AVE LAKEVILLE
<del>NO NAME</del>	9445 225TH ST. W. LKV
JAMES M. JACOBSON	8999 267TH ST. W. LAKEVILLE
Christina Lee	" " " "
Jeffrey S Otto	25580 Dodd Blvd., Lakeville, MN 55044
Linda M. Otto	25580 Dodd Blvd., Lakeville, MN 55044
RALPH FREDLUND	23680 JERSEY CT LAKEVILLE 55044
Jeanie Fredlund	23680 Jersey St Lakeville MN 55044
Barb Funk	23690 Jersey Ct Lakeville mn 55044
William Funk	23690 Jersey Ct. Lakeville 55044
Stephen Roy Funk	23625 Jersey Ct Lakeville
Harold VonFursten	23625 Jersey Ct, Lakeville
ALLEN ALWIN	23585 JERSEY LAKEVILLE
SHIRLEY E. ALWIN X	23585 JERSEY COURT LAKEVILLE
Kathleen Clubb Lauffman	25506 IPAVA
Charles R. Clubb	25506 IPAVA
Shelly Clubb	25452 IPAVA AVE, LAKEVILLE
Mike Greco	25452 IPAVA Ave. Lakeville
Matt Miller	9995 250TH ST W LAKEVILLE
Beth Eilers	10185 250TH ST. W. LAKEVILLE
Licky O'Connor	26256 IPAVA Ave Lakeville
<del>John O'Connor</del>	26256 IPAVA Ave Lakeville
<del>Barbara</del>	24585 ICELAND PATH LAKEVILLE
<del>Chris Ricklick</del>	" " "
Kris Ricklick	25222 Ipava Ave. Lakeville, MN
CARY GUNDERSON	25341 IPAVA AVE LAKEVILLE
<del>John A. Koch</del>	23787 Dodd Blvd Lakeville mn
Thomas M. Gonsler, Jr	23734 Dodd Blvd Lakeville mn
Ken Maxa	23523 Dodd Blvd Lakeville mn

Total Page 30

NTC

Grand Total as of 6/3/25 AM

206 Signatures

109

W. Clancy



B.A.

Signature Pages -Eureka Township Citizen Petition

**STOP THE MINING ORDINANCE TEXT ADMENDMENT**

**STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.**

Print Name Clearly	Print Address Clearly
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Brian J Ahern	6215 235th St
Nancy Ahern	6215 235th St.
Mary Smith	6514 235th St W.
Lee Slavicek	6808 235th St W.
Sandra Slavicek	6808 235th St W.
Brian Nelson	6035 235th St. W.
MIKE NORTHROP	6220 W 235 St
Ray Sell	5575 235th St W.
Mary Jo Sell	5575 235th St W.
Helen Lee	5675 235th St W.
TONY <del>WILSON</del> TRAVIS	5525 235th St. W.
Cindy TRAVIS	5525 235th St W.
Steve Pope	5711 235th St W.
Elaine Carlson	5825 - 235th St. W.
Robert Carlson	5825 - 235th St. W.
KELLY METZGER	5853 - 235TH ST W
DAVE METZGER	5853 235th St. W.
Jeff Lee	6145 235th St W
Julie Lee	6145 235th St W.
Wendy Klager	6141 235 St W
Alan Klager	6141 235th St W
Lorena Pope	5711 235th St. W.
Kirsten Alderson	5965 235th St. W.
Tony Alderson	5965 235th St. W.
Starke Fischer	6035 235th St. W.
Elise Mincke	6775 245th St. W.
GORDON Mincke	6775 245th St. W.
Dave Smith	6675 245th St W
Christopher Rasmussen	6805 247th St W
Peggy Wade	5965 235th St W

Ed E. d... 25735 De... Ave

Total Page > 31

ATC

## STOP THE MINING ORDINANCE TEXT ADMENDMENT

**STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.**

[illegible]

TOTAL Page) 2

## **Signature Pages -Eureka Township Citizen Petition**

# STOP THE MINING ORDINANCE TEXT ADMENDMENT

**STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.**

<b>Print Name Clearly</b>	<b>Print Address Clearly</b>
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(1)	Debra Burkhardt	D Burkhardt	24235 Highview Ave
	Karl Burkhardt	K Burkhardt	24235 Highview Ave
	PATRICIA M BOHN	Patricia Bohn	24375 HIGHVIEW AVE
	Robert Bohn	Robert Bohn	24375 Highview Ave
	Valerie Britton	V Britton	24345 Highview Ave
	Greg Gubbertsson	A Gubbertsson	24345 Highview Ave.
	Sylvia Olmstead	L Sylvia Olmstead	24285 Highview Ave
	Duane Olmstead	D Duane Olmstead	24285 Highview Ave.
	LOREN PETRASH	L Petrash	24270 Highview Ave
	Linda Petrash	Linda Petrash	24270 Highview Ave
	Ronald Peterson	R Peterson	24055 HIGH VUE ST
	ROGER BRISSELY	R Brissely	8955 240TH ST W
	Ronald Erickson	R Erickson	24125 Highview Av.
	Donna Rollins	Donna Rollin	24425 Highview Ave
	Mary Dawson	M Dawson	24055 Highview Ave
	Steven Helgeson	S Helgeson	24187 Highview Ave
(17)	Bethany Helgeson	B Helgeson	24187 Highview Ave
			Total Page) 1
			24

70



## **Signature Pages -Eureka Township Citizen Petition**

## STOP THE MINING ORDINANCE TEXT ADMENDMENT

**STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.**

[illegible]

RW

# Signature Pages -Eureka Township Citizen Petition

## STOP THE MINING ORDINANCE TEXT ADMENDMENT

## STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.

Print Name Clearly	Print Address Clearly
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Raymond Wood	23775 Essex Ave, Farmington
Josh Boecksler	23787 Essex Ave, Farmington
Katrina Birdsall	23787 Essex Ave, Farmington
Mark Kirchner	24535 Essex Ave Farmington
Norma Gayle Klausner	24595 Essex Ave Farmington
John Arnold	24595 Essex Ave Farmington MN
Donna Limback-Reyelts	24644 Essex Ave Farmington MN
Dan Reyelts	24644 Essex Ave Farmington, MN
Rick Puelston	24655 ESSEX AVE FARMINGTON MN
Charlotte Puelston	24655 Essex Ave Farmington
THOMAS L EKNESS	24705 ESSEX AVE. FARMINGTON
LAURA M EKNESS	" " " "
Nada Hogan	24017 Essex Ave Farmington MN
Dennis Hogan	24017 Essex Ave Farmington MN
Arlene Grotzer	23775 Essex Ave " "
Will Nordvik	24282 Essex Ave
Brody Nordvik	24282 Essex Ave Farmington MN
Sharon Buckley	10355 225th St W, Lakeville MN
Barb Walsh Willmott	23744 Fairgreen Ave Farmington
DAVE WILLMOTT	23744 FAIRGREEN AVE FARMINGTON, MN
John Rees	23753 Fairgreen Ave Farmington, MN
Becky Rees	" " " "
Virginia Wundschel	5294 235th St. W " "
28 gnu Wundschel	5294-235th St W " "
	TOTAL Page) 24
	24





Signature Pages -Eureka Township Citizen Petition

RW3

STOP THE MINING ORDINANCE TEXT ADMENDMENT

STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.

Print Name Clearly

Print Address Clearly

Hourtney Sannes

Hourtney Sannes  
23529 Essex Ave.

(2) JOSH SANNES

~~23529~~ 23529 ESSEX AVE.







Signature Pages -Eureka Township Citizen Petition

Signature Pages 21

STOP THE MINING ORDINANCE TEXT ADMENDMENT

DESIGN OF CHARD / MI

STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.

122

Signature Pages -Eureka Township Citizen Petition

# STOP THE MINING ORDINANCE TEXT ADMENDMENT

**STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.**

Print Name Clearly	Print Address Clearly
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## STOP THE MINING ORDINANCE TEXT ADMENDMENT

## STOP THE MINING ORDINANCE TEXT ADMENDMENT

**STOP THE RE-OPENING / EXPANSION OF CHARD / MPM MINE.**

<b>Print Name Clearly</b>	<b>Print Address Clearly</b>
---------------------------	------------------------------

(2)	Daryl Johnson Diane Dunning	24932 Dodd Blvd 9995 250 <sup>th</sup> St W.
		TOTAL Pipe) \$
		RWC



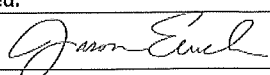
# EUREKA TOWNSHIP

## TEXT AMENDMENT APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024  
Phone: (952) 469-3736 / Email: [deputyclerk@eurekatownship-mn.us](mailto:deputyclerk@eurekatownship-mn.us)

<b>SITE INFORMATION   Eureka Township</b>		PIN#		Permit#	
Site Address: PROPERTY ID NUMBER: 13-01200-011-50		City		Zip	
<b>PROPERTY OWNER INFORMATION</b>					
Name OMG Midwest dba Minnesota Paving & Materials		Email jemch@minnnp.com		Phone 763-428-8886	
Address 14475 Quiram Dr		City Rogers		State MN	Zip 55374
Cell Phone 419-349-3019		Day Time Phone 763-428-8886		Fax	
<b>NATURE OF REQUEST</b>					
<p>Application is hereby made to amend the Zoning Ordinance <u>Chapter 165 - Mining</u>, Section <u>various</u>.</p> <p><b>Proposed Text:</b> See attached document noting proposed revisions to the current text, and rationale for the same.</p>					
<p>Is the text amendment consistent with the Eureka Township Comprehensive Plan? <u>X</u> Yes or <u>      </u> No</p>					
<p><b>Reason for requesting the text amendment (Explain):</b></p> <p>See attached document noting proposed revisions to the current text, and rationale for the same.</p>					

I hereby certify that the information provided in this application is true, correct and complete. I understand that this is an application for a zoning ordinance text amendment only, and that approval does not absolve me from obtaining all other applicable permits, such as land use or building permits. I understand that I shall be responsible for all expenses and outside fees incurred by the Town Board in processing this application; that the Town Board shall require escrow of funds for fees for attorneys, professional services, and/or other outside expenses prior to incurring such costs/ and that I shall be permitted to withdraw this application at any time in writing, but shall not be entitled to refund of escrow funds already expended.

Signature of Applicant: 	Date: 4/18/25
Printed name of Applicant: Jason Emch	

## Eureka Township Clerk

---

**From:** Lchard1 <lchard1@aol.com>  
**Sent:** Monday, April 21, 2025 12:59 PM  
**To:** Phillips, Chad (Minnesota Paving & Materials)  
**Subject:** [EXT] Eureka Permit Response

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and know the contents are safe. If you believe this email may be phishing or malicious, please use the Report Phish button.

To whom it may concern:

This email is in regards to Minnesota Paving & Materials (MPM) request to re-establish a mining permit in Eureka Township.

As the owner(s) of the property located at 5100 235th St W, Farmington, MN 55024 in Eureka Township, I approve MPM pursuing the reestablishment of the mining permit and the text amendment.

Thanks,  
LeRoy Chard

ATTENTION: Ce courriel vient de l'exterieur de l'entreprise. Ne cliquez pas sur les liens, et n'ouvrez pas les pièces jointes, à moins que vous ne connaissiez l'expéditeur du courriel et savez que le contenu est sécuritaire. Si vous pensez qu'il s'agit d'un courriel d'hameçonnage ou malveillant, veuillez cliquer sur le bouton Signaler une tentative d'hameçonnage.

## **Proposed Redline Revisions to Chapter 165 – Mining.**

### **165-4(B)**

A. It is unlawful for any person, firm, company, or corporation to extract or process minerals in the Township without first obtaining an interim use permit required in this chapter. A previously permitted mineral extraction facility is not required to obtain an interim use permit but is required to comply with all of the requirements of Article XI of this chapter. Penalties for operating without a permit will be strictly applied according to Article VI, Termination; Violations and Penalties, hereof.

B. ~~No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation~~

*Rationale: This provision of the ordinance appears to be an attempt by a past Town Board to restrict future Town Boards from granting a particular type of new permit. As permits are requested, the current Town Board has the discretion to approve or deny them. We recommend removing this provision from the ordinance to allow the Town Board to exercise the role that they were elected to perform, without unreasonable restrictions from prior board members.*

### **165-6(A(3))**

Level 3 permit. This permit applies to operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the water table unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit. A prior EAW may be utilized for purposes of this section.

*Rationale: If a prior EAW has already been performed on a site, then an additional EAW is a redundant and expensive requirement.*

### **165-11(f)**

Within 30 days of receipt of the registered engineer's findings and recommendations, the Planning Commission, together with the engineer, shall prepare an environmental assessment worksheet(EAW), according to Minnesota Rules, Chapter 4410. An EAW shall be required on any mines larger than 40 acres in size. After this process is completed, the

Town Board shall determine within 30 days whether an environmental impact statement (EIS) is required.

*Rationale: The supporting documentation required by items a-s of the application is extensive. Any environmental concerns that would otherwise be addressed in an EAW will be identified in this required documentation. To require that an EAW be performed prior to knowing anything about the location, geology, hydrology, means and methods is an undue restriction. This 40 acre threshold is recommended because it is the threshold contained within MN Rules 4410.4300 subp. 12(b).*

#### **165-11(l)**

The Town Board shall approve the permit application or variance, deny the permit application or variance or approve the permit application or variance with modification. Modifications may include additional restrictions.

*Rationale: revision is to just reference the approval of either an application or a variance for procedure.*

#### **165-13 (B)(1) and (2)**

B. Source of materials. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:

(1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 100 working days per calendar year.

(2) The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property, ~~provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis. Accessory uses may not exceed 25% off-site materials used in conjunction with each specified accessory use; therefore off-site minerals may not be aggregated to a single accessory use, allowing a specific accessory use to exceed 25% of off-site minerals used in conjunction with the specific accessory use.~~

*Rationale: The restriction on crushing may make mines unworkable from a practical standpoint, particularly if the imported material is necessary to meet specified gradation requirements. The number of days could be up for discussion, but 100 seems reasonable. Also, limiting the ability to import materials originating from the Township also is an undue*

*restriction, as it may make mines unworkable. The 25% restriction on importation of materials on an annual basis is an arbitrary line that reduces mine productivity significantly, which could lead to mines being open longer before reclaiming the land, if there is limited ability to use the materials without mixing with offsite materials to meet spec and gradation requirements. We would propose a revision to either get rid of this restriction entirely, or modify it to 50%, which would also make this provision in line with 165-13 (K).*

#### **165-13(M)**

Setbacks. No extraction activity may occur within ~~300~~ 1,000 feet of any dwelling (~~absent approval of the neighboring landowner~~) and within 50 feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than ~~1,000~~ 300 feet from a dwelling (~~absent approval of the neighboring landowner~~) nor closer than 100 feet from any adjacent property line, road right-of-way or public utility. Setbacks from an existing dwelling shall take precedence over setbacks for road right-of-way, adjacent property line and public utility. If the processing equipment is placed within an enclosed structure, the Town Board may consider shorter setback distances. Grading plans affecting pipelines or powerline corridors will be evaluated on a case-by-case basis. The Town Board may waive setback requirements when the common boundary area of an adjoining property is also a legal mining operation, the common boundary is not within ~~300~~ 1,000 feet of a residence (~~absent approval of the neighboring landowner~~), and both property owners of adjacent mining operations have agreed to a common reclamation plan and have a written agreement with the Township establishing responsibility for reclamation. Any existing approved setback reduction in an existing approved interim use permit continues to have approved status.

*Rationale: The setback distance is too restrictive, and is not in line with what we see most jurisdictions doing. Most jurisdictions (Benton County, LeSueur County, Blue Earth County, Wright County, Stearns County, Nicolett County) we work in have a maximum 300' setback from residential structures, unless there is an agreement between the operator and the landowner to reduce that distance.*

#### **165-13(O)**

Berming. Earthen berms shall be constructed ~~in accordance with the Mine Safety and Health Administration standards. along all road rights-of-way. In the instance where the setback from a residence applies under §165-13M, then, in addition, earthen berms shall be constructed along the adjoining property line.~~ Berms shall provide screening of the mining activity from the right-of-way and any adjoining property line on which a berm is required. A

combination of berms and other screening which has no written objection from any owners of real property located within ~~300~~<sup>1,000</sup> feet of the proposed extraction activity may satisfy this requirement, subject to Town Board approval of the design. In the absence of such an alternate design, berms shall be a minimum of eight feet in height. All berms shall have a minimum slope of 3:1 and have a silt fence at the base on the side closest to adjacent property. The silt fence shall be maintained until vegetation is established, at which time it shall be removed.

*Rationale: Revision is to bring the Township in line with other jurisdictions and to provide a more common and workable standard.*

#### **165-13(P)**

~~Heights. The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located less than 1,000 feet from the property line shall be a minimum of eight feet below the average height of the adjacent berms within the mandatory setback.~~

*Rationale: This is too restrictive and makes mines unworkable. We recommend removing this restriction entirely. Alternatively, we would recommend a modification to the setback and height restrictions.*

#### **165-13(T)(2)(c)**

Within ~~twelve~~<sup>three</sup> months after the termination of excavation operations or within ~~six~~<sup>three</sup> months after the expiration of the interim use permit, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.

*Rationale: within our climate in Minnesota, 3 months is often an unreasonable timeframe due to winter, frozen earth, etc. Additionally, excavation and removal of materials within Minnesota is highly market dependent on account of our construction season. Revisions are intended to reflect a more reasonable timeframe.*

**165-13(U)4(C)**

U. Reclamation plan. A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and the final site restoration. The operator and owner must follow the reclamation plan approved by the Town Board. The following minimum standards and conditions apply:

...

(3) Excavating not made to a water producing depth, but which must be graded or backfilled, shall meet the following requirements:

...

(c) (c) All banks shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth sufficient to establish vegetation to prevent erosion~~at least four inches~~. All banks shall also be surfaced with sodding or seeding and mulching. Mulch must be properly anchored.

*Rationale: A uniform 4 inch depth requirement is prone to measurement issues and strict compliance. The intent of the provision is to reclaim the property with enough topsoil to promote vegetation growth. This revision is intended to make the intent more clear.*

*Township of Eureka, MN  
Tuesday, April 8, 2025*

## Chapter 165. Mining

[HISTORY: Adopted by the Town Board of the Town of Eureka 6-7-2005 (Ordinance 6 of the 2005 Code); amended in its entirety 3-7-2023 by Ord. No. 2023-03. Subsequent amendments noted where applicable.]

### Article I. General Provisions

#### § 165-1. Title.

This chapter shall be known and cited as the "Township of Eureka Mineral Extraction Ordinance," except as referred to herein as "this chapter."

#### § 165-2. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare through the following:

- A. Identify areas in the community where mineral extraction is most appropriate and minimizes conflicts with other land uses.
- B. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- C. Establish standards that distinguish between longer-term and shorter-term mineral extraction activities.
- D. Establish standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the community as a whole.
- E. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses that are compatible with the Eureka Township Comprehensive Plan and Chapter 240, Zoning.

#### § 165-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

##### ACCESSORY USES

Uses of a mineral extraction facility that are incidental to mining and are not included as an authorized principal use. Accessory uses might include, and are expressly limited to, the manufacture, storage and sale of products made from minerals on the premises, and storage and sale of minerals mixed or to be mixed with minerals from the premises, and storage of topsoil and common borrow (the use of which is consistent and approved for reclamation plan) to be used in reclamation on site whether or not extracted on the premises. No other materials are permitted to be imported nor stored. The term does not include the placement or use of ready-mix concrete plants.



**ACTIVE MINING FACILITY**

Mine extraction location from which at least 5,000 cubic yards have been excavated and removed from the facility each calendar year. Moving material around the site does not satisfy this requirement. The movement or stockpiling of material excavated at the site does not count toward the 5,000 cubic yards until it is removed from the site.

**AGRICULTURAL**

As defined by Chapter 240, Zoning.

**COMMISSION or PLANNING COMMISSION**

As defined by Chapter 1, Article I, § 1-4, Definitions.

**COMMON BORROW**

Material that includes any type of soil (clay, sand or gravel) that is commonly removed and relocated before mining activities begin or that is removed from one location and used as fill material in another location.

**COMPREHENSIVE PLAN**

As defined by Chapter 1, Article I, § 1-4, Definitions.

**DEVELOPMENT AGREEMENT**

A written contract between the operator, the landowner and Eureka Township which outlines all the terms of the permit for a mineral extraction facility, including any additional terms outside this chapter that are imposed by the Town Board.

**DEWATERING**

The pumping, extraction or removal of subsurface water in order to lower the water table temporarily to access more aggregate.

**DUST**

Airborne mineral particulate matter.

**ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)**

A document specified in Minnesota Rules 4410.0200, subpart 24.

**ENVIRONMENTAL IMPACT STATEMENT (EIS)**

A document specified in Minnesota Rules 4410.0200, subpart 26.

**EXCAVATION**

The movement of soil and minerals or the removal of minerals.

**EXTRACTION AREA**

Any nonagricultural artificial excavation of earth exceeding 50 square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning or breaking or undermining the surface of the earth.

**FILL**

As used in this chapter, see "soil."

**FLOODPLAIN**

As used in this chapter, the beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.

**HAUL ROUTES**

Roads used for transport to and from a mineral extraction facility.

**INTERIM USE PERMIT**

A permit to use land in a manner approved by the Township for a specified period of time.

**LANDOWNER**

See Chapter 1, Article I, § 1-4, Definitions.

**LEVEL 1 PERMIT**

- A. A mineral extraction permit issued to an operation satisfying the description for a level 1 permit in § 165-6 of this chapter. A mineral extraction facility issued a level 1 permit is considered a level 1 mine.
- B. A mineral extraction facility established prior to 2002 with a reclamation plan consistent with a level 1 permit in § 165-6 of this chapter is considered a level 1 mine.

**LEVEL 2 PERMIT**

A mineral extraction permit issued to an operation satisfying the description for a level 2 permit in § 165-6 of this chapter. A mineral extraction facility issued a level 2 permit is considered a level 2 mine. A mineral extraction facility established prior to 2002 with a reclamation plan consistent with a level 2 permit in § 165-6 of this chapter is considered a level 2 mine.

**LEVEL 3 PERMIT**

A mineral extraction permit issued to an operation satisfying the description for a level 3 permit in § 165-6 of this chapter. A mineral extraction facility issued a level 3 permit is considered a level 3 mine. A mineral extraction facility established prior to 2002 with a reclamation plan consistent with a level 3 permit in § 165-6 of this chapter is considered a level 3 mine.

**MINERAL**

Sand, gravel, rock, clay, peat, and similar higher density nonmetallic natural materials.

**MINERAL EXTRACTION**

The removal of sand, gravel, rock, clay, peat, and similar higher density nonmetallic natural minerals from the ground.

**MINERAL EXTRACTION FACILITY**

Any area that is being used for removal, stockpiling, storage, and processing of minerals.

**MINERAL EXTRACTION PERMIT**

The interim use permit required for mineral extraction by surface excavation activities that will specify a time period for operation. All mineral extraction permits in Eureka Township are limited to Level 1-3 mines as described in § 165-6 of this chapter.

**MINING SUPERINTENDENT**

The expert consultant retained by the Town Board to assist in enforcing the terms of this chapter. The expense of the Mining Superintendent will be paid according to the terms of this chapter.

**OPERATOR**

Any person or persons, partnerships, corporations, or assignees, including public or governmental agencies, engaging in mineral extraction.

**OVERBURDEN**

The soil or rock layer which lies above, and that needs to be removed to reach, the materials being mined as part of a mining operation.

**PREVIOUSLY PERMITTED MINERAL EXTRACTION FACILITY**

Those mineral extraction facilities operating under special mining licenses prior to 2002 that were permitted to continue as legal nonconforming uses under Minn. Stat. § 462.357, Subdivision 1e without obtaining the interim use permit first required in 2002, so long as the previously permitted mineral extraction facility complied with conditions and performance standards found in Chapter 13, sections 3 through 9 (repealed) and now found in Article XI of this chapter. Only mineral extraction

facilities that have been continually operated as required in Minn. Stat. § 462.357, Subdivision 1e are within this term.

**PRINCIPAL USE**

The principal use of a mineral extraction facility is the extraction, crushing, screening, mixing, processing, washing, storage and sale of minerals from the facility. The principal use does not include a concrete block plant or a ready-mix concrete plant or an asphalt production plant or a concrete recycling plant or an asphalt recycling plant, except as stated in Article V, § 165-13B and K, and in Article XI, § 165-300.

**PROCESSING**

Any activity which may include the on-site crushing, washing, stockpiling, compounding, or mixing of sand, gravel, rocks, or similar mineral products from the site into consumable products, such as construction grade sand, gravel, and other similar products.

**READY-MIX CONCRETE PLANT**

Refers to a facility at which ingredients are mixed to precise specification and then loaded into truck-mounted mixers for delivery to off-site construction projects.

**RECLAMATION**

To renew land to self-sustaining long-term use that is compatible with contiguous land uses, present and future, in accordance with the standards set forth in Chapter 240, Zoning, and in the Comprehensive Plan.

**RECLAMATION PLAN**

The plan for reclaiming a mineral extraction facility consistent with this chapter and approved by the Town Board.

**RECYCLABLE ASPHALT**

Asphalt originated from a road demolition or road repair project in the Township of Eureka.

**RECYCLABLE CONCRETE**

Concrete originated from a road demolition or road repair project in the Township of Eureka.

**SETBACK**

As used in this chapter, the area of property surrounding a mineral extraction facility intended as a buffer zone in which no mining activity may take place.

**SHORELAND**

As used in this chapter, land located within the following distances from public waters: 1,000 feet from the ordinary high-water level of any lake, pond or reservoir, and 300 feet from rivers and streams, or the landward extent of a floodplain designated by the ordinances on a river or stream, whichever is greater.

**SOIL**

As used in this chapter, the loose surface material that covers most land.

**STAGING**

Preparation for daily hauling activities, including weigh-in, warm-up, and lining up of trucks.

**SUBJECT PROPERTY**

The land on which mineral extraction is permitted.

**TOPSOIL**

The upper portion of the soils present that is the most favorable material for plant growth.

**TOWN BOARD OR BOARD**

As defined by Chapter 1, Article I, § 1-4, Definitions.

**TOWNSHIP**

As defined by Chapter 1, Article I, § 1-4, Definitions.

**WATER TABLE**

- A. The upper surface of the zone of saturation. The zone of saturation is where the pores and fractures of the ground are saturated with water as indicated by average water levels in nearby lakes and wetlands that are not perched, water table wells or piezometers emplaced for the purpose of monitoring, or exploration drilling on the subject property. This level fluctuates with changes in precipitation, and it is the highest water table level that is protected.
- B. The surface of the groundwater at which the pressure is atmospheric. Generally, this is the top of the saturated zone.

**WETLANDS**

A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39(1971), or its equivalent, or otherwise classified as a wetland under Chapter 240, Zoning.

**ZONING ADMINISTRATOR**

See § 240-64.

**ZONING ORDINANCE**

See Chapter 240.

**Article 11. Permits****§ 165-4. Permit required.**

- A. It is unlawful for any person, firm, company, or corporation to extract or process minerals in the Township without first obtaining an interim use permit required in this chapter. A previously permitted mineral extraction facility is not required to obtain an interim use permit but is required to comply with all of the requirements of Article XI of this chapter. Penalties for operating without a permit will be strictly applied according to Article VI, Termination; Violations and Penalties, hereof.
- B. ~~No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation.~~

**§ 165-5. Criteria for granting permits.**

In granting a permit, the Eureka Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants and owners of surrounding lands. Among other things, the following standards shall be considered:

- A. The use must not create an excessive burden on existing parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the area.
- B. The use must be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- C. The structure and site must have an appearance that will not unreasonably create an adverse effect upon adjacent residential properties.
- D. The use must be reasonably related to existing land use.

- E. The use must be consistent with the purposes of Chapter 240, Zoning, and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- F. The use must be in conformance with the Eureka Township Comprehensive Plan.
- G. The use must not cause traffic hazards or congestion.
- H. Existing land uses nearby must not be adversely affected unreasonably by intrusion of noise, glare, dust or general unsightliness.
- I. The use must not cause significant adverse impact to surface water or groundwater resources.
- J. Dewatering to obtain materials intersecting the groundwater shall not be allowed. The use of equipment such as draglines, track hoes and backhoes to obtain materials intersecting groundwater shall be allowed.
- K. Depth of excavation. Excavation and extraction shall not occur beyond the depth set by the Board in the permit. In setting the depth of excavation, the Town Board shall consider the standards stated herein (Article II, § 165-5), as well as recommendations from Dakota County, the Soil and Water Conservation District and the independent engineering firm selected by the Town Board under Article IV, § 165-11E. In addition, the Town Board will consider whether the application is a renewal of an expired permit where the depth was consistent with a previously approved permit.

## § 165-6. Levels of permits.

- A. Interim use permits for mineral extraction will be issued according to the following levels of permits:
  - (1) Level 1 permit. This is an expedited permit to meet the needs of short-term construction projects. It applies to operations that will not exceed five acres of excavated area to a maximum depth of 20 feet but not to exceed one foot above the water table and will be active for only one operating season. Compliance with reclamation standards is required. The Town Board may waive the environmental assessment worksheet (EAW) requirement in the event there are clearly no environmental concerns. Should an operator desire to expand or extend, the operator will have to apply for a Level 2 or Level 3 permit; in such case the area of the mineral extraction covered by the Level 1 permit will be included in the overall mining area for the required Level 2 or Level 3 permit.
  - (2) Level 2 permit. This permit applies to operations which will be active for more than one operating season and that will not exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the highest, expected water table elevation. Compliance with reclamation standards is required. An EAW is required for this level of permit. There is a limit of one Level 2 permit for any landowner and/or operator.
  - (3) Level 3 permit. This permit applies to operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the highest water table elevation expected unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit. A prior EAW may be utilized for purposes of this section.
- B. Ready-mix concrete plants are not permitted under any level of mineral extraction permit as either a principal use or an accessory use.

## § 165-7. Zoning.

Mineral extraction as specified in this chapter shall be allowed in all agricultural-zoned districts, as

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identified in the Eureka Comprehensive Plan and in Chapter 240, Zoning.

## **§ 165-8. Exceptions.**

A mineral extraction permit shall not be required for any of the following:

- A. Excavation for a foundation, cellar or basement of a structure or for residential landscaping if a building permit has been issued.
- B. Excavation conducted directly by state, county, city, or Township authorities in connection with construction or maintenance of roads, highways, or utilities, conducted solely within permanent easement areas or rights-of-way.
- C. Curb cuts, utility hookups or street openings for which another permit has been issued by the Township.
- D. Excavation or removal of less than 400 cubic yards of material per year for use on the owner's property.
- E. Excavation or grading for agricultural purposes.

## **Article III. Mineral Extraction Permit Application**

### **§ 165-9. Application requirements.**

An application for a mineral extraction permit shall include but not be limited to the following information:

- A. Name, address, phone number, contact person for the operator and signature of a legally authorized representative.
- B. Name, address, phone number and signature of the landowner.
- C. Level of permit for which the application is being made.
- D. Acreage and complete legal description of the property on which the mineral extraction will be located, including all contiguous property owned by the landowners.
- E. Acreage and complete legal description of the property on which the mineral extraction permit will apply.
- F. Type and estimated quantity of material to be extracted.
- G. The estimated time required to complete the proposed operation and reclamation, including starting and completion dates.
- H. A description of all vehicles and equipment proposed to be used by the operator in the operation of the facility.
- I. A description of the estimated average daily and peak daily number of haul trucks accessing the facility, including a breakdown of operator-owned and nonoperator-owned vehicles.
- J. The total estimated amount of all other daily vehicle traffic from workers, customers, and service vehicles.
- K. A description of the haul routes within the Township to be used in the operation of the facility.
- L. All information necessary to complete an environmental assessment worksheet (EAW).

### **§ 165-10. Supporting documentation.**

Every application for a mineral extraction permit shall include submission of supporting documentation provided by a registered engineer licensed within the State of Minnesota which shall include, but may not be limited to, the following:

- A. A description of existing land uses on the subject property and all properties within 1/2 mile of the boundaries of the tax parcel on which the subject property exists.
- B. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within 1/2 mile of the boundaries of the tax parcel on which the subject property exists.
- C. A description of the soil, vegetation, and mineral content of the subject property. A minimum of three soil boring logs representative of the site and an analysis of the subsurface materials on the subject property must be submitted.
- D. A general description of surface waters, existing drainage patterns, site-specific groundwater conditions and depth to water tables on and within 1/2 mile of the boundaries of the tax parcel on which the subject property exists.
- E. A general description of any wells or private sewer systems of record, pipelines, power lines and other utilities or appurtenances on the subject property and adjacent properties.
- F. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
- G. A map of current topography of the subject property, illustrated by contours not exceeding ten-foot intervals.
- H. A plan showing proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding two-foot intervals.
- I. A phasing plan which illustrates the sequencing of mineral extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes.
- J. Copies of Minnesota Pollution Control Agency (MPCA) application documents, EAW documents, EIS documents if required, and operating permits.
- K. A description of the site hydrology and drainage characteristics during extraction for each phase. Identification of any locations where drainage of any disturbed areas will not be controlled within the boundaries of the subject property and plans to control erosion, sedimentation and water quality of the runoff. This includes holding ponds, with standards to be determined by the Town Board.
- L. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
- M. A description of the plan to mitigate potential impacts resulting from mineral extraction.
- N. A description of site screening, landscaping and security fencing.
- O. An end use plan.
- P. A description of site reclamation in each phase of operation and upon completion of mineral extraction on the subject property.
- Q. Recommendations from the Dakota County Soil and Water Conservation Service and the appropriate watershed management organization as required in Article V, § 165-13U(5).
- R. A description of the method by which complaints about any aspect of the facility operation or off-site transportation are to be received and the method by which complaints are to be resolved.
- S. A general description of any lakes, wetlands, shoreland or floodplain areas located within 1,000 feet of the proposed mining site. For project sites that include any of these water features within the



proposed mining area, a delineated boundary describing size and location will be required.

- T. A summary of any accommodations from current ordinance requirements requested by the applicant in order to continue previous physical limits such as depths, slopes, and setbacks, approved in the prior interim use permit, development agreement or reclamation plan for the site which the applicant considers onerous to adjust under the requested new permit.

## Article IV. Permitting Procedure

### § 165-11. Interim use permit.

- A. Mineral extraction permits shall be considered and processed by the Town Board as interim use permits. The procedures are defined in Chapter 240, Zoning, Article IV, § 240-32. If the Town Board grants the interim use permit, the Town Board shall specify the particular date or the occurrence of the particular event when the permit is to expire. The Town Board may attach conditions to the interim use permit in addition to those set forth in this chapter.
- B. Before making a formal application, applicants shall appear before the Town Board at a regularly scheduled meeting to make a preliminary presentation on the conceptual nature of the proposed extraction activity. The Town Board will provide the applicant with a copy of this chapter, outlining the application process and permit requirements.
- C. The application and required supporting information shall be filed with the Planning Commission at its regularly scheduled meeting. If the application is incomplete, the Commission, in writing, within 15 days, will notify the applicant of the additional information required for the application to be complete.
- D. Once the application is deemed complete, the Zoning Administrator shall provide landowners within 1,000 feet of the applicant's property with notification of the application for an interim use permit for mineral extraction via first-class mail.
- E. A registered engineer licensed by the State of Minnesota and qualified in this field shall review the application. The Town Board shall select the engineering firm. The engineer will submit the results of his or her findings, along with any recommendations for actions, to the Planning Commission.
- F. Within 30 days of receipt of the registered engineer's findings and recommendations, the Planning Commission, together with the engineer and Mining Superintendent, shall prepare an environmental assessment worksheet (EAW), according to Minnesota Rules, Chapter 4410. An EAW shall be required on any mines larger than 40 acres in size. After this process is completed, the Town Board shall determine within 30 days whether an environmental impact statement (EIS) is required.
- G. Upon completion of the environmental review process, the Planning Commission, at its next regularly scheduled meeting, shall process the mineral extraction permit application as an application for an interim use permit, following the procedures for interim use permits defined in Chapter 240, Zoning, Article IV, § 240-32. The Planning Commission may require that the applicant submit additional information to address or clarify any issues raised in the environmental review. The Planning Commission will use the assistance of the Mining Superintendent as it deems necessary. The formal interim use permit application review process shall commence only after completion of the environmental review and upon receipt of additional information required.
- H. Within 30 days of receipt of all additional required information and upon completion of the environmental review process, the Planning Commission shall schedule, provide notice of, and hold a public hearing for the mineral extraction permit, following the procedures defined for interim use permits in Chapter 240, Zoning, Article IV, § 240-32.
- I. After the public hearing, the Planning Commission shall make findings on the permit application and submit recommendations to the Town Board, following the procedures defined for interim use

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permits in Chapter 240, Zoning, Article IV, § 240-32.

- J. If the Town Board, registered engineer, or Planning Commission cannot act upon the permit application within the permitting time frames specified herein and by state law, the Town Board shall notify the applicant in writing to request an extension of time and stating the reasons for the extension.
- K. Any application that is inconsistent with the Comprehensive Plan will be denied. The applicant has the right to submit an application to the Town Board to amend the Comprehensive Plan, according to procedures established in the Eureka Township Code of Ordinances.
- L. The Town Board shall approve the permit application or variance, deny the permit application or variance or approve the permit application or variance with modification. Modifications may include additional restrictions.
- M. When a permit is approved, the Town Board or its designee shall complete a development agreement, signed by representatives of the Town Board, the landowner and the operator (if different from landowner). Landowner and operator, if different, are jointly responsible for complying with the requirements in the interim use permit. If the identity of either the landowner or the operator changes, the Township must approve the change and the new landowner or operator must sign on and agree to all obligations in the interim use permit and all financial obligations in order for the interim use permit to stay in place. Failure to agree to the terms and conditions of the interim use permit or the development agreement will constitute a terminating event for the interim use permit. The Township may undertake an enforcement action against the operator or landowner, or both, if there is a violation.
- N. A mineral extraction permit application denied by the Town Board may not be reapplied for, whether the same or modified application, for a period of 12 months from the date of denial. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. If the amendment does not include any change involving structural alterations, enlargement, intensification of use, or similar change of the primary use(s), the applicant may amend the originally filed supporting documentation, including a registered engineer's finding stating whether an amended EAW/EIS is required. Upon approval of an amended interim use permit, the development agreement shall also be amended to reflect the amended permit. The Zoning Administrator shall maintain a record of all interim use permits issued, including information on the use, location, and conditions imposed by the Planning Commission and Town Board, time limits, review dates, and such other information as may be appropriate.

## § 165-12. Review of permit.

- A. In February of each year, the Town Board will review all mineral extraction facilities whether the facility operates under a permit issued under this chapter or is classified as a legal nonconforming use under this chapter. By January 31 of each year, the operator will provide the following information to the Planning Commission and the operator must pay the review fees referenced in Article VIII:
  - (1) Evidence of the amount of material removed and any amount of material imported from off site; evidence should include reports to Dakota County for aggregate taxes as well as company's annual material sales reports for the facility. Evidence must substantiate that the mineral extraction facility meets minimum tonnage removal requirement to be considered an active mining facility. Failure to do so may trigger requirements for reclamation and/or revocation of continued status as a permitted mine or a nonconforming use as determined by the Town Board.
  - (2) Amount of material remaining to be removed;
  - (3) Evidence that bonding and insurance are still in force and effect;

- (4) A summary list of all complaints and violations during prior year with responses and implemented corrective actions;
  - (5) History of compliance with the mineral extraction regulations within the ordinances and other governmental regulations relating to mining;
  - (6) Each instance of exposure of water table unless the report is for a Level 3 permit;
  - (7) Status of phasing plan;
  - (8) Status of reclamation;
  - (9) Up-to-date list of all vehicles and equipment on site; estimated number of vehicles accessing the facility;
  - (10) Report on condition of haul roads that serve or abut the facility;
  - (11) Status of erosion control measures;
  - (12) Any change in ownership and/or operator; and
  - (13) Other items of information requested by the Town Board.
  - (14) A listing of MSHA violations and their levels and penalties with measures taken in the previous year.
- B. In conjunction with the Mining Supervisor's initial review and report, the Planning Commission will jointly review the mining facility reports and interview representatives of each facility at a meeting to be held in February. After its review, the Planning Commission will make recommendations to the Town Board. In its March review, the Town Board shall examine the information provided by the operator and the Town Board shall determine whether the mineral extraction facility is in compliance with this chapter, the conditions imposed by the permit and the development agreement. If the Board determines the mineral extraction facility is not in compliance it will take further steps as provided in this chapter.

## Article V. Mineral Extraction Performance Standards

### § 165-13. Performance standards.

The following performance standards apply to all mineral extraction facilities in the Township:

- A. Hours of operation. Mineral extraction facilities shall operate only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. A mineral extraction facility may be opened one hour before hours of operation to allow for staging. No Sunday or holiday operations will be allowed. The holidays are New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Sunday, the following Monday shall be considered the holiday. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Saturday, the previous Friday shall be considered the holiday.
- (1) Operators are allowed extensions to the hours of operation for emergencies only. Operators must notify the Township Clerk or a Town Board member in advance of the proposed exception.
  - (2) The Town Board must approve other exceptions to the hours of operation, such as Saturday operation, government agency contracts and other evening work.
- B. Source of minerals. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:

(1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 100 working days per calendar year.

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(4)(2) ~~The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property, provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis. Accessory uses may not exceed 25% off-site minerals used in conjunction with each specified accessory use; therefore, off-site minerals may not be aggregated to a single accessory use, allowing a specific accessory use to exceed 25% of off-site minerals used in conjunction with the specific accessory use.~~

- C. Site security. Security must be sufficient to protect the community from attractive nuisances. The burden to design and install sufficient security is on the operator and owner who are expected to stay current with industry practices and to stay aware of all risks at the mining facility. If not already included in the security system put in place by the mine, fencing may be required by the Town Board around any section and/or the entire mineral extraction area. When used, fencing at a minimum must be three wires with posts a maximum of 12 feet apart and at least four feet high and in good repair. Berming, no trespassing signs, locked gates at access points, security cameras and lighting including motion sensitive units, and any other site security can also be considered by the Town Board to mitigate the need for fencing on certain areas. The Town Board may require fencing, signs and/or barriers around ponding areas and steeply sloped excavations.
- D. Access. All mineral extraction facilities shall have direct access to a nine-ton or greater capacity road. The Town Board shall set minimum roadway improvements and maintenance obligations as a condition of the permit. The point of the mining site access shall be at least 300 feet from any intersection or residential driveway, or as determined by the Town Board under special circumstances. Circumstances will include, but not be limited to, topography, safety, traffic, and existing land use.
- E. Haul routes. All trucks traveling to or from the mineral extraction facility shall utilize nine-ton or greater road capacity within the Township. Operators may be granted a special permit to utilize roadways temporarily posted under nine tons, provided adequate surety is provided to cover the costs of repairing any damage to roadways. The Town Board may allow a Level 1 permit holder to use roads that are not nine-ton. Level 2 and Level 3 permits will require any substandard roads utilized by the mineral extraction facility as haul routes to be brought up to a MnDOT standard for nine-ton paved roads. The operator will bear the cost of such an upgrade. The Township reserves the right to require road maintenance paid by the operator on any haul route within the Township or those bordering the Township. Traffic control to assure safety must be maintained. Trucks shall not queue on public roads while waiting to enter or exit facility. Turn lanes shall be constructed on public roads if deemed necessary by the appropriate road authority, at landowner and/or operator expense. Sufficient truck staging area shall be provided on mineral extraction facility property.
- F. Roadway dust control. Operators will be responsible for dust control on all gravel roads utilized by trucks hauling to or from the mineral extraction facility. Dust control will be required when conditions warrant it and the number of one-way truck trips from the mineral extraction facility exceeds three per hour. The Township reserves the right to require the operator to pay for dust control on any haul route within the Township or those bordering the Township. An operator will consult with, and receive permission from, the Road Supervisor prior to adding gravel or grading a Township road.
- G. Mineral extraction facility dust control. The Township shall require dust control in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance or otherwise adversely impacts surrounding lands. Remedies to dust control may include watering, berming, landscaping and enclosures for processing equipment, and any other means deemed necessary by the Town Board.
- H. Noise. Maximum noise levels at the facility will be consistent with the most current standards established by the Minnesota Pollution Control Agency (MPCA) and as deemed necessary by the Town Board.
- I. Vibration. Operators shall use all available means deemed necessary by the Town Board to

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eliminate adverse impacts of vibration from equipment on adjacent properties.

- J. Air quality/water quality. All activities on the subject property will be conducted in a manner consistent with operating permits issued by state and federal agencies. The Town Board may require other standards it deems reasonably necessary. Increased runoff must be retained on site with retention or detention ponds.
- K. Accessory uses. Accessory uses must be identified in the permit. Accessory uses not identified in the permit are not allowed. The accessory uses of a concrete block production plant, a ready-mix concrete production plant, a concrete recycling plant asphalt production plant, or an asphalt recycling plant shall be strictly prohibited. The storage, stockpiling, sale and mixing of minerals that have been excavated off site are strictly prohibited, except for the mixing of minerals as provided in § 165-13B, as limited to minerals. Accessory uses will terminate when the principal use terminates. Accessory uses may not collectively account for more than 25% of the total mine operations based upon the volume of minerals extracted from the subject property, so that primary uses account for greater than 25% of the total mine operation as measured by volume.
- L. Unauthorized storage. Any vehicles, equipment or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility.
- M. Setbacks. No extraction activity may occur within 300-1,000 feet of any dwelling (absent approval of the neighboring landowner) and within 50 feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than 1,000-300 feet from a dwelling (absent approval of the neighboring landowner) nor closer than 100 feet from any adjacent property line, road right-of-way or public utility. Setbacks from an existing dwelling shall take precedence over setbacks for road right-of-way, adjacent property line and public utility. Grading plans affecting pipelines or power line corridors will be evaluated on a case-by-case basis. The Town Board may waive setback requirements when the common boundary area of an adjoining property is also a legal mining operation, the common boundary is not within 300-1,000 feet of a residence (absent approval of the neighboring landowner), and both property owners of adjacent mining operations have agreed to a common reclamation plan and have a written agreement with the Township establishing responsibility for reclamation. Any existing approved setback reduction in an existing approved interim use permit continues to have approved status.
- N. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The operator and landowner must follow the phasing plan approved by the Town Board. No more than 10 acres of land may be exposed to extraction at any one time. A maximum of 25 acres may be utilized at any one time for extraction, processing, staging and stockpiling. Areas where extraction has been completed shall be reclaimed according to the provisions of this chapter, except for that area currently being used in the maximum twenty-five-acre operational area.
- O. ~~Berming. Earthen berms shall be constructed in accordance with the Mine Safety and Health Administration standards, along all road rights-of-way. In the instance where the setback from a residence applies under § 165-13M, then, in addition, earthen berms shall be constructed along the adjoining property line. Berms shall provide screening of the mining activity from the right-of-way and any adjoining property line on which a berm is required. A combination of berms and other screening which has no written objection from any owners of real property located within 300-1,000 feet of the proposed extraction activity may satisfy this requirement, subject to Town Board approval of the design. In the absence of such an alternate design, berms shall be a minimum of eight feet in height. All berms shall have a minimum slope of 3:1 and have a silt fence at the base on the side closest to adjacent property. The silt fence shall be maintained until vegetation is established; at which time it shall be removed.~~
- ~~P. Heights. The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located no less than 1,000 feet from the property line shall be a minimum of eight feet below the average height of the adjacent berms within the mandatory setback.~~
- ~~Q.P. Weed control. The operator shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.~~
- ~~R.Q. Explosives. If the operator desires the use of explosives, a separate interim use permit shall be~~

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required for each incident to provide adequate public notice and input.



S.R. General compliance. The operator must comply with all other federal, state, regional, county and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to mine safety and health rules, floodplain management regulations, shoreland management regulations and zoning regulations. No use or structure shall be operated or occupied in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use of other property by any person of normal sensitivities or to otherwise create a public nuisance.

T.S. Additional regulations. The Township may impose additional regulations and requirements on the mineral extraction permit to protect the public health, safety, and welfare.

U.T. Reclamation. The operator must meet the following minimum standards and conditions regarding reclamation.

(1) Reclamation plan. The operator must submit a reclamation plan containing the following elements:

- (a) Intent of reclamation;
- (b) Methods and processes of reclamation;
- (c) Initial condition of mining site;
- (d) Limits of various operational areas;
- (e) Phasing and timing of operations and reclamation including areas to be stripped of overburden;
- (f) Grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications;
- (g) Final condition of site, including proposed contours and absolute elevation with respect to the average annual water table, and a potential development plan, if applicable;
- (h) Relation of final site condition to adjoining landforms and drainage features;
- (i) Relation of reclaimed site to planned or established uses of surrounding land;
- U) A plan for maintenance of reclaimed area; and
- (k) A detailed cost estimate of reclamation.

(2) Reclamation timing. The timing of reclamation activities shall comply with the following:

- (a) It is expected that reclamation will be occurring in phases. Reclamation shall also be completed in step with the opening of new excavation areas of the facility. As-built surveys, soil borings, water table elevation determination, or other testing may be required as part of the review to ensure phased reclamation is completed according to the approved reclamation plan.
- (b) Reclamation shall proceed in a continuous manner throughout the duration of the mining operation and is subject to review and approval at each annual inspection and at the end of the permit period.
- (c) Within ~~twelve~~three months after the termination of excavation operations or within ~~six~~three months after the expiration of the interim use permit, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.

(3) Water accumulations. Excavations in a Level 3 mine, resulting in the continued exposure of substantial water areas after reclamation must meet the following requirements (all other levels of mines shall not result in water table exposure):

- (a) The water depth must not be less than three feet measured from the average annual water table elevation as measured by piezometer or monitoring well unless a plan for creation of a wetland or marsh has been approved.
  - (b) All banks shall be sloped to the water line at a slope which shall not be steeper than four feet horizontal to one foot vertical.
  - (c) All banks shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth sufficient to establish vegetation to prevent erosion of at least four inches. All banks shall also be surfaced with sodding or seeding and mulching. Mulch must be properly anchored.
  - (d) All topsoil required by the subsection U(3)(c) above shall be planted with trees, shrubs, grasses, or native vegetation, or return to agricultural use.
  - (e) Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical, except in cases where nonerodible conditions are present, and the Planning Commission approves the reclamation plan.
  - (f) In man-made groundwater lakes, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body at a maximum slope of six feet horizontal to one foot vertical for at least 100 feet from the shoreline toward the center of the water body. Beyond 100 feet horizontal distance from the shoreline, the slope of the bottom may be no steeper than three feet horizontal to one foot vertical.
  - (g) All groundwater lakes or wetlands created as part of the reclamation plan shall comply with state, county, and local laws, regulations, ordinances, requirements, and guidelines, including Minnesota Department of Natural Resources guidelines for surface water creation.
- (4) Grading and backfilling. Excavations not resulting in surface water creation after reclamation, but which must be graded or backfilled, shall meet the following requirements:
- (a) Fill of soil shall be inspected and certified as being clean (free of volatile organic compounds, contaminants, noxious weed seeds and heavy metals) before being used for reclamation; only organic soil shall be used for topsoil.
  - (b) Fill of soil shall consist of nonnoxious, nonflammable, noncombustible solids.
  - (c) The graded or backfilled area shall not collect or permit stagnant water to remain therein.
  - (d) The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
  - (e) Graded or backfilled areas shall be surfaced to a depth of at least four inches with topsoil of a quality at least equal to the topsoil of immediately surrounding areas.
  - (f) Topsoil required by Subsection U(4)(f) above shall be planted with trees, shrubs, grasses, or native vegetation, or return to agricultural use; and inspected to be free of noxious weeds.
  - (g) Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical, except in cases where non erodible conditions are present, and the Planning Commission approves the reclamation plan.
  - (h) All reclamation areas which are planned for building purposes shall have a final elevation at least 10 feet above the normal ordinary groundwater level. If public sewer is not available, plans for on-site septic systems must be considered. If the area is backfilled for purposes of future development, the soil must be compacted, and subsequently tested and approved by a licensed soils engineer.

- (j) Drainage. Reclamation shall proceed in a manner that preserves natural and storm drainage entering and leaving the premises. Said drainage shall be altered to the least extent necessary for carrying out reclamation and related activities. Natural and storm drainage shall not be altered in a manner that adversely affects public roads or neighboring uses.
- U) Cover and planting. The reclamation area shall be planted with grass, trees, shrubs, or other vegetation to prevent erosion and provide screening and improved aesthetics. Technical assistance and soils data should be obtained from the county agricultural agent, appropriate state and federal officials, conservation districts, and the nearest soil conservation service officer.
- (k) Topsoil. Topsoil that is stripped or removed must be stockpiled and set aside on the site for re-spreading over the reclaimed area unless the quantity is sufficiently in excess of need that the Town Board approves plans for its removal.
- (l) Removal of structures. All buildings and other structures not otherwise allowed per the development agreement shall be removed from the property and the property shall be restored in conformance with the reclamation plan within three months after expiration of a mining permit or termination of a mining operation or within three months after a mining operation has been abandoned for six months.
- (m) Best practices for preservation and restoration of soil. In order to protect the environment and the public's health, safety, and welfare, applications shall incorporate best practice standards into the design, operation, and reclamation of mineral extraction facilities. A list of best management practices for the preservation and restoration of soil is available through the Minnesota Department of Natural Resources at: [https://www.dnr.state.mn.us/water\\_access/bmp/soil\\_retention\\_bmp.html](https://www.dnr.state.mn.us/water_access/bmp/soil_retention_bmp.html). The Town Board reserves the right to supplement these standards as appropriate.
- (5) Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for an interim use permit, the operator shall submit grading plans, phased reclamation plans and water control plans to the Dakota County Soil and Water Conservation District and to the governing bodies of the Township's watersheds for review and recommendations. Said recommendations on the phased reclamation, grading, soil, and water retention plans shall be reviewed annually by the Town Board and may be included as conditions of the interim use permit.

## Article VI. Termination; Violations and Penalties

### § 165-14. Termination.

The mineral extraction permit or the right to continue a legal nonconforming use shall be terminated on the happening of any of the following events unless a different process or terms are specified in its interim use permit:

- A. The date or event of termination specified in the interim use permit.
- B. Upon a violation of any applicable laws, rules, or Township Code, or of a condition under which the permit was issued or the right to continue the use was conditioned, but only after the Town Board has first provided written notice to the operator and landowner (if different from the operator) describing the specific violation and steps necessary to be in compliance with the permit or condition and after having been given a reasonable opportunity to remedy the violation. The notice of violation shall inform the operator that failure to correct the violation as directed in the notice may result in the revocation of the interim use permit or right to continue the legal nonconforming use and the time period in which the violation must be corrected.

- C. If the operator fails to correct the violation as described in a notice of violation within the identified correction period, the Town Board may undertake a process to consider and act on the revocation of the interim use permit issued for the operation or the permission for the legal nonconforming use. The Township shall provide the operator and landowner (if different from the operator) at least 10 days' written notice of a public hearing before the Town Board to consider the revocation of the interim use permit. The notice shall identify the violation or violations resulting in the proposed revocation. The operator and any other interested party will have an opportunity to be heard during the hearing. The Town Board may revoke the interim use permit or the right to continue the legal nonconforming use if it determines a violation occurred and the operator failed to correct it as directed in the notice of violation. As an alternative to immediate revocation, the Town Board may, in its sole discretion, allow the operator to enter into a correction agreement with the Township to allow the operation to continue provided it complies with the terms and conditions of the agreement. The correction agreement shall identify any corrective actions the operator must take, may require the posting of a bond or other security related to the performance of the required corrective actions, and may set out such other terms, conditions, and requirements as the Town Board determines are reasonable to ensure the operator corrects any existing violations and remains in compliance with the permit or nonconforming use conditions and all applicable laws, rules, regulations, and ordinances.
- D. Each day that a violation continues beyond the allotted time to repair constitutes a new violation.

### **§ 165-15. Misdemeanor penalty.**

Any person who violates or fails to comply with any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished to the maximum extent authorized in Minnesota Statutes, as amended from time to time. Each day the violation continues shall constitute a separate offense. If the violations are not remedied to the satisfaction of the Town Board, the permit will be terminated.

### **§ 165-16. Immediate cessation of mining upon contamination of drinking water.**

If at any time it is proven that the mining operation is contaminating drinking water as proscribed by the Minnesota Department of Health Safe Drinking Water Standards or any natural spring, the Town Board will notify the operator and landowner (if different from the operator) in writing and mining will cease immediately. If this cannot be resolved to the satisfaction of the Town Board, the permit will be terminated.

### **§ 165-17. Complaints.**

All complaints must be in writing and available for public viewing unless the Township determines, in its discretion, to keep the identity of the complainant confidential pursuant to the Minnesota Data Practices Act.

## **Article VII. Enforcement**

### **§ 165-18. Inspection and enforcement.**

The operator grants the Township's officers and representatives, including the Mining Superintendent and Planning Commission, access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this chapter. The Township's officers and representatives

will check in at the mine office to execute safety work forms and meet any escort required by law. All operators will provide an emergency contact number that the Mining Superintendent can call to arrange escorted access to the mine outside normal business hours if an emergency condition requires immediate access. The initial investigation of any violations of mining ordinances will commence at the Mining Superintendent and Planning Commission level for fact finding and report with recommendations to the Town Board.

#### **§ 165-19. Responsibility for repair and maintenance.**

The operator shall be responsible for the repair and maintenance of public and private property which is damaged by it, its agents or employees in conducting business or any other activity associated with the mineral extraction facility.

#### **§ 165-20. Development agreement.**

A development agreement will be required for all mineral extraction permits, including seasonal extraction permits.

### **Article VIII. Fees**

#### **§ 165-21. Application fee.**

Before an application will be processed, the applicant will pay a nonrefundable application fee in an amount established by the Town Board and reviewed annually.

#### **§ 165-22. Escrow.**

The applicant must pay for all estimated expenses to be incurred by the Township before an application will be processed. The Town Board will determine estimated expenses within 30 days of the filing of the application. The applicant will make such payments into an escrow account with the Township. The prepayment amounts shall be a credit toward the costs of the attorney, planners, engineers and other professional consultants that the Township uses to review the application, to prepare documents, to inspect the facility, to make recommendations and to enforce this chapter; all such costs are the obligation of the applicant, and the applicant must reimburse the Township for such costs. All such costs, if not already paid by the escrow, shall be paid by the applicant within 30 days of final action on the matter by the Town Board. If such costs are less than the escrowed amount, such escrow will be returned to the applicant within 30 days of final action on the matter by the Town Board.

#### **§ 165-23. Reimbursement of costs.**

The applicant shall reimburse the Township for all out-of-pocket expenses as incurred by the Township in the review of the initial and review applications, public hearing, preparation of documents, inspections and enforcement of this chapter, whether a permit is issued or not.

#### **§ 165-24. Fees.**

The Town Board shall establish fees by ordinance for the issuance of mineral extraction permits. All mines, including legal nonconforming mines, will be assessed fees for the annual review and the cost of enforcing this ordinance. The review fee shall be based on the previous year's production in tons or

yards times a dollar amount, with an established minimum amount, and set by ordinance. Fees and expenses must be paid at the time of issuance and thereafter on or before January 31 of each year for the permits that have not been terminated. Failure to pay review fees and expenses shall be a violation of this chapter. If additional inspections or enforcement actions are required, the cost of that work will be assessed against the mine requiring the work.

## **§ 165-25. Future impositions.**

If in the future the state law enables the Town to impose a host community fee, tax, mineral extraction charge or other governmental imposition to compensate the Town for the effects of a mineral extraction facility, then the Township reserves the right to impose such fees, taxes, charges or other governmental impositions on all mineral extraction facilities, including, but not limited to, those that exist at the time the fees, taxes, charges or impositions are established.

## **Article IX. Financial Guaranty**

### **§ 165-26. Bonds; cash escrow; letter of credit.**

The operator must provide and maintain a performance bond, cash escrow or a letter of credit, in a form acceptable to the Township, to guarantee compliance with this chapter and the terms and conditions of the development agreement. The Township shall have the right to use the financial guaranty to remove stockpiles, complete site reclamation, and correct other deficiencies or problems caused by the operator, in the event the operator is in default of the obligations under this chapter. The amount of financial guaranty shall not exceed \$10,000 per acre of the mining operation used for extraction, stockpiling, and processing activities. This amount may be increased by the Town Board with reference to the increase in the Consumer Price Index (CPI) for the Minneapolis-St. Paul Area. The financial guaranty shall remain in full force and effect for a minimum period of nine months or after reclamation or cleanup of the site is complete, whichever is longer.

## **Article X. Liability Insurance; Indemnification**

### **§ 165-27. Liability insurance.**

- A. The operator shall at all times procure and maintain at the operator's expense general public liability insurance, automobile liability insurance and workers' compensation insurance. This insurance shall cover claims for bodily injuries, wrongful death, and property damage occurring as a result of the operator's performance of its duties under the development agreement and under this chapter. Such insurance shall afford protection to a limit of not less than \$1,000,000 in respect to injuries or death to a single person, to a limit of not less than \$5,000,000 in respect to any one accident or occurrence, and to a limit of not less than \$500,000 in respect to property damage. The Township shall be a named additional insured on all such policies of insurance. The operator shall file with the Township a certificate evidencing coverage before the commencement date of the term of the mineral extraction permit.
- B. The certificate shall provide that the Township must be given 30 days' written notice of the cancellation of insurance.

### **§ 165-28. Indemnification.**

The operator shall hold the Township harmless against all claims by third parties for damage or costs arising out of, resulting from or related to mineral extraction, processing and reclamation on the subject

property or incurred in the development of the subject property. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorneys' fees.

## Article XI. Preexisting Mineral Extraction Facilities

### § 165-29. Preexisting mineral extraction facilities as lawful nonconforming uses.

All mineral extraction facilities that were lawfully established prior to the effective date of this chapter, and that were not discontinued for a period of more than one year since establishment, are subject to the provision of Article I of this chapter and those portions of Articles 11-V specified in this article as well as Articles VI-X of this chapter. The Town Board determines the application of these provisions to lawful nonconforming mineral extraction facilities is necessary in order to address potential nuisances created by the facilities and to protect the public health, safety, and welfare. Any nonconforming operation when it was originally established is required to apply for and obtain an interim use permit from the Township prior to expanding the operation.

- A. Two mineral extraction facilities hold IUPs as of the effective date of this chapter. Those facilities will continue to operate under their respective IUPs as legal nonconforming uses. When the IUPs expire, new applications and development agreements fully compliant with Articles II-IV of this chapter must be completed. Beginning in January 2024, these mineral extraction facilities must file reports that satisfy the requirements of § 165-12 and must operate in compliance with the performance standards in Article V, except for § 165-13N, Phasing plan and U, Reclamation plan, unless those performance standards conflict with its existing interim use permit, development agreement or approved phasing and reclamation plans. If requested by the Mining Superintendent or the Town Board, the holder of a permit will discuss necessary changes to its operations if immediately important to abate a nuisance or to protect public health, welfare, or safety even if its practices are consistent with previous standards or approved plans. If the Town Board cannot reach agreement with the mineral extraction facility, it may take steps to enforce the standards of this chapter as needed to address nuisances created by the noncompliant facility. An operator of one of these mineral extraction facilities may request a reasonable extension of time to comply with any updated performance standards in Article V. The Town Board will grant the request if in its sole judgement good cause is shown.
- B. One mineral extraction facility formerly owned by the State of Minnesota was acquired by another owner after 2002, however the Township has not yet required an application for an interim use permit be filed. The legal property description for this mine is at § 165-31. By December 2028 the operator and/or landowner of this mineral extraction facility must have fully complied with Articles II to IV and Article X, § 165-13N and U of this chapter. Beginning in January 2024, these mineral extraction facilities must file reports that satisfy the requirements of § 165-12 and must operate in compliance with Article V except for § 165-13N and U. The landowner and/or operator of this mine may request a reasonable extension of time to comply with any enhanced performance standard in Article V. The Town Board will grant the request if in its sole judgement good cause is shown.
- C. There are four mineral extraction facilities that existed prior to 2002 and have continued as lawful nonconforming uses since that time. The legal descriptions for these previously permitted mineral extraction facilities are in § 165-31. Notwithstanding Article 11, § 165-4, those mineral extraction facilities in the Township that exist as of the effective date of this chapter and obtained from the Town Board an annual mining permit prior to calendar year 2002, shall have the right to continue as mineral extraction facilities under the original licenses and as legal nonconforming uses without first obtaining an interim use permit for a mineral extracting facility required by § 165-4, as long as there is compliance with the conditions of this article. Compliance with performance standards in Article V, § 165-13U, Reclamation plan, is not required and for a facility that has a reclamation plan and phasing plan approved by the Township and is in compliance with those plans as of the effective date of this chapter. If requested by the Mining Superintendent or the Town Board, the holder of a

permit will discuss necessary changes to its reclamation plan and phasing plan if immediately important to abate a nuisance or to protect public health, welfare, or safety even if its reclamation plan and phasing plan are consistent with previous standards or approved plans. If the Town Board cannot reach agreement with the mineral extraction facility, it may take steps to enforce the reclamation plan and phasing plan standards of this chapter as needed to address a nuisance or to protect public health, welfare, or safety issues created by the nonconforming facility. The mines will provide a comparison of their 2002 reclamation plans in effect versus the 2023 requirements, as outlined in § 165-13U, highlighting any key differences, in their opinion, within 12 months of new text, for joint discussion with mining superintendent and Planning Commission to better understand related necessity and costs. This right shall run with the applicable property and this right shall be subject to Minn. Stat., § 462.357, Subdivision 1e.

## § 165-30. Performance standards.

The following performance standards shall apply to all existing mineral extraction facilities in the Township that are permitted to operate by § 165-29B of this chapter. These performance standards are either identical to or are updates to the standards previously required in Or. 6, Ch. 13 (repealed):

- A. Hours of operation. Previously permitted mineral extraction facilities shall operate only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. Truck loading and hauling of material shall be allowed on Saturdays only between the hours of 7:00 a.m. and 3:00 p.m. A mineral extraction facility may be open one hour before and one hour after the hours of operation to allow for staging and equipment repair. No Sunday or holiday operations will be allowed. The holidays are New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Sunday, the following Monday shall be considered the holiday. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Saturday, the previous Friday shall be considered the holiday.
  - (1) Operators are allowed extensions to the hours of operation for emergencies only. Operators must notify the Town Clerk or a Town Board member in advance of the proposed exception.
  - (2) The Town Board must approve other extensions to the hours of operation, such as Saturday operation, government agency contracts and other evening work.
- B. Setbacks. Production or processing of minerals shall not be closer than 30 feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than 20 feet to the boundary of any adjoining property line, nor closer than 200 feet to any adjoining structures, unless the written consent of the fee owner of such adjoining property is first secured. Mineral extraction shall not be made closer than 30 feet to the right-of-way line of any existing or platted street, roadway or highway, except that excavating may be conducted in such limits in order to reduce the elevation thereof in conformity with the existing or platted street, road or highway.
- C. Accessory uses. No accessory use will be allowed in conjunction with the mineral extraction facility unless the accessory use, by separate voting action of the Town Board, is approved by the Town Board. The accessory uses of a concrete block production plant or ready-mix concrete production plant or asphalt production plant shall be strictly prohibited. A concrete recycling plant and an asphalt recycling plant are also prohibited, except as stated in § 165-30D. The storage, stockpiling, sale, and mixing of materials that have been excavated off site are strictly prohibited except for the mixing of materials as provided in § 165-30D.
- D. Source of materials. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:
  - (1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 15 working days per calendar year and if the recyclable concrete and recyclable asphalt originated from a road demolition or road repair project in the Township of Eureka.



- (2) The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis.
- E. Surface water. The mining operation shall in no way be allowed to negatively interfere with surface water drainage nor shall the mining operation be allowed to affect the quality of surface or subsurface water.
- F. Black dirt and topsoil. The excavation or removal of black dirt or topsoil for sale or for use other than on the premises from which the soil is taken, except in connection with the construction or alteration of a building on the premises and the excavation or grading incidental thereto, is prohibited.
- G. Dewatering. Dewatering to obtain minerals intersecting the groundwater shall not be allowed. The use of equipment, such as draglines, track hoes and backhoes, to obtain minerals intersecting groundwater shall be allowed.
- H. No expansion without obtaining interim use permit. The mining area may not be expanded beyond the boundaries for the mining area that were approved in the annual mining permit for 2002 (previously issued by the Township under now repealed Township Ordinance No. 13). If the operator seeks to expand the mining area, the operator must obtain an interim use permit for the entire mineral extraction facility under Article 11, § 165-4, including those portions previously mined as well as the proposed expanded mining area.
- I. The following performance standards in Article V must be met by previously permitted mineral extraction facilities. Any mine may request a reasonable extension of time to comply with any enhanced performance standard. The Town Board will grant the request if in its sole judgement good cause is shown: § 165-13C, D, E, F, G, H, J, L, Q, R, and T.

### § 165-31. Legal descriptions of previously permitted mineral extraction facilities.

The preexisting mineral extraction facilities that meet the requirements of § 165-29 are only the following four properties in the Township of Eureka, Dakota County, Minnesota, legally described as follows:

- A. Facility No. 1 legal description. The south one-half of the northeast quarter of Section 7, Township 113 North, Range 20 West, containing 80 acres, more or less.
- B. Facility No. 2 legal description. That part of the northeast quarter of the northwest quarter of Section 7, Township 113 North, Range 20 West, containing 40 acres more or less. The actual area to be mined will be approximately 24 acres.
- C. Facility No. 3 legal description. That part of the south half of the northwest quarter of Section 7, Township 113 North, Range 20 West, Dakota County, Minnesota, described as follows:
  - (1) Beginning at the southeast corner of the west 1,716 feet of the said S 1/2 of the NW 1/4 of the said Section 7; thence north along the east line of the west 1,716 feet of the said S 1/2 of the NW 1/4, a distance of 600 feet, more or less, to the north line of the south 600 feet of the said S 1/2 of the NW 1/4; thence west along the said north line of the south 600 feet, a distance of 726 feet, more or less, to the east line of the west 990 feet of the said S 1/2 of the NW 1/4; thence north along the said east line of the west 990 feet, a distance of 720 feet, more or less, to the north line of the said S 1/2 of the NW 1/4; thence east along the said north line to the west line of the east 630 feet of the said S 1/2 of the NW 1/4; thence south along the said west line of the east 630 feet, a distance of 930 feet, more or less, to the south line of the north 930 feet of the said S 1/4 of the NW 1/4; thence east along the said south line of the north 930 feet, a distance of 580 feet, more or less, to the west line of the east 50 feet of the said S 1/2 of the NW 1/4; thence south along the said west line of the east 50 feet, a distance of 390 feet, more

or less, to the south line of the said S 1/2 of the NW 1/4; thence west, along said south line to the point of beginning.

D. Facility No. 4 legal description.

- (1) The existing ten-acre site where mining has occurred surrounding and including the following parcels: Beginning at the SW corner of Section 6, Township 113 North, Range 20 West, thence east along the south line 600 feet, thence north 200 feet, thence east 355 feet, thence south 200 feet to the south line of Section 6, Township 113, Range 20, then back to the point of beginning; and
- (2) Beginning at the NW corner of Section 7, Township 113, Range 20, thence east along the north line 600 feet, thence south 400 feet, thence east 355 feet, thence north 400 feet to the north line of Section 7, Township 113, Range 20, thence west to the point of beginning.

E. Facility No. 5 legal description.

- (1) Tract A: The northerly 930 feet of the easterly 630 feet of the SE 1/4 of the NW 1/4 of Section 7, Township 113, Range 20 West; together with the easterly 50 feet of the SE 1/4 of the NW 1/4 of said Section 7, lying southerly of Tract A hereinbefore described, to be used for haul road purposes only; excepting therefrom the existing highway; containing 13.95 acres, more or less, of which 13.50 acres are for pit, and 0.45 acre is for haul road purposes only.

## Article XII. Validity

### § 165-32. Validity; severability.

Should any provision of this chapter be declared by the courts to be invalid, such decision shall not affect the validity of this chapter as a whole or any other part thereof, unless so specified in the judgment. If the courts declare the application of any of the provisions of this chapter to any individual, use, property or structure to be invalid, such judgment shall not affect the validity of said application of any provision to any other individual, use, property or structure, unless so specified in the judgment.

Eureka Current Requirement	Proposed Change	Waterford Township	May Township/Washington Co.	Scott County	Rosemount
No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation.	Remove this provision to allow unlimited Level 3 mines	Levels of mines not designated. Mining limited to land within the overlay district	Levels of mines not designated	Levels of mines not designated	
EAW required for Level 3 mine permit.	Allow a prior EAW to be utilized.	Nothing relevant on this.	Nothing relevant on this.	Nothing relevant on this.	LARGE SCALE MINERAL EXTRACTION: Mineral extraction at a scale that would require a mandatory environmental impact statement as described in Minnesota Rules, part 4410.4400 subpart 9 nonmetallic mineral mining.
EAW required for any Level 3 mine permit.	Require an EAW for level 3 mine permits 40 acres or larger in size	EAW/EIS required per MN Rules 4410	EAW required to excavate 40+ acres to a mean depth of 10 feet or more EIW required to excavate 160+ acres to a mean depth of 10 feet or more	Mitigation plans outlined in any EAW or EIS may be required as minimum conditions in any IUP.	EAW/EIS required per MN Rules 4410
Only minerals from the site shall be processed at the facility, except for imported materials up to 25% of the minerals extracted from the site annually	Allow recyclable concrete and asphalt to be crushed and mixed on site of the crushing and mixing do not exceed 100 working days per calendar year  Remove 25% cap for imported materials	Ancillary Uses Prohibited: Any uses of the site that are not mineral extraction or one of the accessory uses listed are expressly prohibited, including but not limited to: Storage and processing of recycled asphalt and/or aggregate products Asphalt or concrete production Casting yard Retail sales of product to the public	Processing subject to an additional CUP approval Processing equipment must be screened No requirements related to sourcing of materials Recycling allowed with approved CUP, estimate of amount of materials to be processed must be submitted. Stockpiling limited to the amount that can be reasonably processed in two consecutive mining seasons.	Nothing relevant on this.	Minimum of 70% aggregate processing and 30% recycled aggregate product processing.
1000 foot setback from dwellings	300 foot setback from dwellings, allow for lesser setback with permission from neighboring property owner	500 foot setback from dwellings	200 feet from occupied structures not owned by the operator or owner 100 feet from any contiguous property subdivided into residential lots	Mining setback 100 feet from the boundary of any adjoining zoning district where such operations are not permitted and 30 feet from adjoining zoning district where such operations are permitted. Processing setback 500 feet from a residential dwelling. Setbacks from residential structures located on the property for which a waiver is signed by the property owner are exempt from this requirement. Processing setback 500 feet from the property line of any property that is located in a rural residential, suburban or urban expansion district.	Residential Zoning District: 350 feet Industrial, Commercial or Inst: 150 feet Ag: 30 feet Inhabited residence not located in a Res. Zoning District: 200 feet
Berms required along all road rights-of-way and adjoining residences	Require berming in accordance with "Mine Safety and Health Administration standards", remove berm requirement from all ROW and adjoining residences	The mining shall be screened from any public ROW and adjacent residences through a combination of existing stands of trees, berming and installed landscaping designed by a licensed professional. Viewshed analysis required.	Screening is discretionary to "minimize visual impact on surrounding properties"	To minimize problems of dust and noise and to shield Mining Operations from public view, a screening barrier may be required between the Mining Operations and abutting rural residential, residential, suburban or urban expansion districts. A viewshed analysis is required.	The mining shall be screened from any public ROW or urban development through a combination of existing stands of trees, berming and installed landscaping.
The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located less than 1000 feet from the property line shall be a minimum of 8 feet below the average height of the adjacent berms within the mandatory setback.	Remove this provision	The height of all equipment, stockpiles and all other operations, except those described in subsections F4b and F4c of this section, within the permitted mineral extraction operation shall not exceed 60 feet	No height requirements in ordinances	No height requirements in ordinance	Height of all equipment, stockpiles, and all other operations shall not exceed 60 feet. The City Council may approve a limited number of stationary conveyors no taller than 65 feet. The floating dredge shall not exceed 75 feet.
Within three months after the termination of excavation operations or within three months after the expiration of the IUP, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.	Change 6 months to 12 months and 3 months to 6 months	Within 18 months of the reclamation of each phase, all buildings, structures and plants incidental to that phase of operation shall be dismantled and removed, unless utilized in a future phase.	All buildings or other structures not otherwise allowed per the Washington County Development Code shall be removed from the property and the property restored in conformance with the reclamation plan within 6 months after expiration or abandonment	Within 3 months after final termination of a mining operation, within three months after abandonment of such operation for a period of six months, within three months after the expiration of a mining permit, all buildings, structure and lands incidental to such operation shall be dismantled and removed. An extension may be granted upon agreement between County and operator.	Within 18 months of the reclamation of each phase, all buildings, structures and plants incidental to that phase of operation shall be dismantled and removed, unless utilized in a future phase.
All banks shall be surfaced with topsoil of a quality of at least equal to the topsoil of land areas immediately surrounding and to a depth of at least 4 inches.	Change 4 inches to "a depth sufficient to establish vegetation to prevent erosion"	Topsoil material shall consist of suitable plant growth material, organic matter content, and thickness to support adequate plant growth.	Min topsoil depth depends on slope. Range from 4 to 8 inches.	Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas surrounding and to a depth of at least 6 inches.	Additional topsoil may be retained to ensure that a minimum of six (6) inches of topsoil is placed on all areas reclaimed and restored as dry ground

**EUREKA TOWNSHIP**  
*Dakota County, State of Minnesota*

**TOWN BOARD MEETING**  
**May 13, 2025 – 7:00 P.M.**

**Call to Order**

The Eureka Township Town Board meeting was called to order at 7:00 p.m. by Chair Mark Ceminsky and the Pledge of Allegiance was given.

Supervisors Present: Mark Ceminsky, Tim Pope, Dan Ames, Pete Storlie, and Allen Novacek (7:07pm).

Others Present: Liz Atwater, Dan Heyda, Randy Wood, Dan Doyle, Keith Jones, Alex Turner, Cary Reiswig, Mark Nelson, Brandon Romann, Kathleen Kauffman.

Zoom Attendance: Sauber, Gloria Belzer, Ralph Fredlund, Cindy, Jackie, Bob, Kelly Romsdahl, Julie, Deb, Ashley and Terry, Jeff Otto.

**Approval of the Agenda**

The following items were added to the agenda:

- XIII. New Business
  - F. Zoom
  - G. Round Table
  - H. Town Hall Tree

*Motion:* Vice Chair Pete Storlie moved to approve the agenda as amended. Supervisor Ames seconded the motion. *Motion carried 4-0.*

**Public Comment**

*\*The opinions expressed in public comments are those of the authors and may not represent the official positions of the Town Board. The Town Board does not control or guarantee the accuracy of information contained in the comments, nor does it endorse the views expressed.*

Chair Ceminsky opened the floor for public comment and stated that if anyone has a comment regarding any agenda items, now is your time to speak. Chair Ceminsky closed the floor for public comment.

**Reports**

Planning Commission- Melanie Storlie

Planning Commission Chair, Melanie Storlie, shared items that were discussed at the May Planning Commission meeting. A full summary is provided in the Planning Commission meeting minutes and is available for viewing at the Town Hall and on the website.

**CUP Reviews**

5E Properties

Clerk Atwater reported that no complaints have been filed, and CUP review fee has been received.

*Motion:* Chair Ceminsky moved to pass the review for 5E Properties. Vice Chair Storlie seconded the motion. *Motion carried 4-0.*

### Mark Nelson

Clerk Atwater reported that no complaints have been filed, and CUP review fee has been received.

*Motion:* Chair Ceminsky moved to approve the review of Mark Nelson's CUP. Vice Chair Storlie seconded the motion. *Motion carried 4-0.*

### **Permits**

#### Romann, Brandon, 23535 Jersey Court, PID 13-64000-02-011, \*Building Permit

Mr. Romann explained that he is building a shed, but the dimensions will now be 32x42, but in the same area.

*Motion:* Chair Ceminsky moved to approve a new 32x42 accessory building for Brandon Romann, 23535 Jersey Court, PID 13-64000-02-011, with the dimension changing as signed off. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

### **Complaints**

#### 9235 Upper 240<sup>th</sup> Street W, Lakeville- Ridge Oien

Mr. Oien was not in attendance at the meeting. The Town Board discussed complaints about a property and the previous court order.

*Motion:* Vice Chair Storlie moved to send it to the Attorney to review the court order for action and to authorize two Board members to go visit the site and document what is going on and report back at the June meeting. Supervisor Pope seconded the motion. *Motion carried 5-0.*

The Town Board members to conduct the site visit and report back to the Clerk/Treasurer are Supervisor Ames and Chair Ceminsky.

*Motion:* Vice Chair Storlie moved if there is action to be taken, the attorney move forward. Chair Ceminsky seconded. *Motion carried 5-0.*

### **Citizen Inquiry**

#### Mark Buffington- 6725 245<sup>th</sup> Street W

Mr. Buffington stated his concerns about building code enforcement on his property between 2008 and 2011. He provided documents for the Town Board to review.

*Motion:* Chair Ceminsky moved to authorize our attorney to undertake the enforcement action in Mr. Buffington's required permits. Vice Chair Storlie seconded the motion. *Motion carried 3-2 with Supervisors' Pope and Novacek voting "Nay".*

### **Sheriff's Report**

Sheriff Deputy Shearer reported the Sheriff's department is fully staffed for general duty deputies. The Town Board discussed getting an electronic speed trailer for some of the roads in the Township. The Deputy also shared for residents to lock their property buildings.

### **Road Report**

Chair Ceminsky reported concerns with Chub Lake Road crossing, which included the road sinking, it has water running over it, it is soft, and the road has narrowed. Dakota County advised if the Township is going to keep the road open, the culvert will need to be replaced. The group tasked at

the last meeting did an inspection and forwarded questions to the Attorney about the future and options of the road/crossing. The Town Board discussed the current water issues on the road and discussed temporarily closing the road.

*Motion:* Vice Chair Storlie moved to temporary close Chub Lake Road. Close the gates, post it, notify all the first responders, school bus, garbage, families, until we get the questions back that you have asked of the attorney and reevaluate at the June meeting. Chair Ceminsky seconded the motion. *Motion carried 4-1 with Supervisor Pope voting "Nay".*

Chair Ceminsky reported that 235<sup>th</sup> from Highview to the Township line has been graveled and has a 4% crown. Gravel has been started on 240<sup>th</sup> from Cedar to Dodd, and should be done in the next week or two.

### **Consent Agenda**

*Motion:* Chair Ceminsky moved to approve items A, B, C, D and E, on the consent agenda for the Township meeting minutes. Vice Chair Storlie seconded the motion. *Motion carried 5-0.*

*Items were as follows:*

- a. 3.25.2025 Town Board Minutes (reorganization)
- b. 4.8.2025 Special Town Board Minutes
- c. 4.8.2025 Town Board Minutes
- d. 4.29.2025 Special Town Board Minutes- 1pm
- e. 4.29.2025 Special Town Board Minutes- 5pm

### **Treasurer's Report**

Clerk/Treasurer Atwater read the Treasurer's Report as of April 30, 2025: Total of all accounts was: \$1,172,913.45.

*Motion:* Chair Ceminsky moved to accept the Treasurer's Report as presented. Supervisor Pope seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Dan- Aye. *Motion carried 5-0.*

### **Net Pay and claims**

The Clerk presented payroll in the amount of \$4,076.08 and claims in the amount of \$83,606.67 for payment. See page 7 for a list of claims.

*Motion:* Vice Chair Storlie moved to approve the net pay and claims as presented. Chair Ceminsky seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Dan- Aye. *Motion carried 5-0.*

### **Receipts and Disbursements**

Clerk/Treasurer Atwater presented the April receipts in the amount of \$366,419.13 and disbursements in the amount of \$379,963.06.

### **Other Treasurer Reports**

Clerk Atwater reviewed the Cash Control Statement, Schedule 1, PTO, and Investments with accrued interest with the Town Board.

### CD Recommendations

#### **General Fund CD Term: 5.16.2025**

*Motion:* Vice Chair Storlie moved to move the CD that matures on 5.16.2025, current value \$26,847.94, to move into the Royal Credit Union money market account. Supervisor Pope seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Dan Ames- Aye. *Motion carried 5-0.*

#### **Road and Bridge- Asphalt and Hard Roads CD Term: 6.1.2025**

*Motion:* Vice Chair Storlie moved to move the CD that matures on 6.1.2025, current value \$162,457.29, to move into the Royal Credit Union money market account. Supervisor Pope seconded the motion. Roll call vote: Allen Novacek – Aye; Tim Pope – Aye; Pete Storlie- Aye; Mark Ceminsky – Aye; Dan Ames- Aye. *Motion carried 5-0.*

The Town Board discussed getting a financial advisor for consulting. The Town Board directed the Clerk/Treasurer to do research on financial representation to be presented at the next meeting.

### **Unfinished Business**

#### Orderly Annexation Agreement- Conversation with Cities

Waiting for information from the Attorney- Table until the June meeting.

#### MPM/Chard Mining Reclamation

Waiting for information from the Attorney- Table until the June meeting.

#### Hamburg-Chub Lake Crossing

Waiting for information from the Attorney- Table until the June meeting.

#### Farmington 220<sup>th</sup> Street Road Agreement

Waiting for information from the Attorney- Table until the May 20<sup>th</sup> meeting.

#### Request for Bids- Road Maintenance

Chair Ceminsky reported the Request for Bids for Road Maintenance 2025-2028 will be published in the Newspapers and posted at the Town Hall and the website. The bids received will be opened and reviewed at the Town Board's June 3 meeting.

#### Comprehensive Plan Public Hearing- May 27, 2025- Map

The Town Board reviewed the proposed map from WSB for the Public Hearing on changes to the Comprehensive Plan. Map attached on page 8.

*Motion:* Chair Ceminsky moved to approve the map as adjusted, today's date 5.13.2025, to move onto the Public Hearing. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

### **New Business**

#### Resolution 2025-19 Counting write-in votes for local elective office

*Motion:* Chair Ceminsky moved to approve Resolution 2025-19- Resolution for counting write-in votes for local elective office. Supervisor Novacek seconded the motion. *Motion carried 5-0.*

### Box Culverts

Chair Ceminsky explained that the Township is required to clean out the Box Culverts in the Township. Todd Howard, from Dakota County, recommended to wait until August, when the ground is easier to work on.

### PIN13-01100-51-013 \*Tiny Home

The Town Board discussed the building "Tiny Home" that is on the listing for this property.

*Motion:* Chair Ceminsky moved for the Clerk to draft a letter citing the code violations under Zoning. We want him to come to the June meeting to address those issues. Vice Chair Storlie seconded the motion with the friendly amendment to include in the letter, either he built it without a building permit, or he moved it in without a move in permit, he didn't have a building right. There are multiple possible zoning issues. Chair Ceminsky accepted the friendly amendment. *Motion carried 5-0.*

### Building/Permit Violations

The board discussed procedures for addressing minor zoning violations, such as unpermitted signs. They agreed that Clerks may send letters in these cases, provided proper documentation is maintained. The Board emphasized that Supervisors are not actively seeking violations but are obligated to address any obvious issues they observe during their duties.

### Road Gravel

Chair Ceminsky discussed exploring new recycled material for roads that would be traditionally cheaper than the current gravel. He is going to investigate its viability and durability, in Henderson where it is currently being used.

Chair Ceminsky also reported on the current state of the Township's roads and stated it would require over 72,000 tons of materials to restore a 4% crown on all roads. The Town Board could consider taking out a loan to address the issue, potentially saving on maintenance costs in the long run. The Town Board agreed that this aggressive approach might be necessary to catch up on road maintenance but will need to be researched and explained the benefits to Township residents before proceeding.

### Zoom

Vice Chair Storlie stated that Minnesota State Statutes allows for remote meetings, but they are not required as an option. The Town Board voted previously to not allow Planning Commissions or Supervisors to attend meetings remotely. In addition, the statute has requirements that must be met to allow a remote meeting. This will be discussed at the round table meeting, and then further discussion with the Town Board at the June meeting.

### Round Table

Vice Chair Storlie requested the Open Meeting Law is discussed and on the agenda.

### Town Hall Tree

The Town Hall has an Ash tree that is dying on the property and should be removed.

*Motion:* Chair Ceminsky moved to have Pope Enterprise take the tree down and grind the stump. Supervisor Novacek seconded the motion. *Supervisor Pope stated he is recusing himself as he has a vested interest and moved to the audience. Motion carried 4-0.*



Supervisor Pope returned to his desk.

### **Clerk Matters**

Clerk/Treasurer Atwater discussed the research the Clerks have been conducting on what municipalities do for processes. The Clerks are working on updating and streamlining administrative processes, which also include updating applications, instructions, and ordinances. The Town Board agreed Clerk/Treasurer Atwater to work with the planner on any updates that are recommended.

Clerk/Treasurer Atwater will be on vacation June 5-6, 2025. The June packet deadline is June 3 at noon.

### **Adjournment**

*Motion:* Supervisor Pope moved to adjourn the meeting. Vice Chair Storlie seconded the motion.  
*Motion carried 5-0.*

The meeting was adjourned at 09:09 pm.

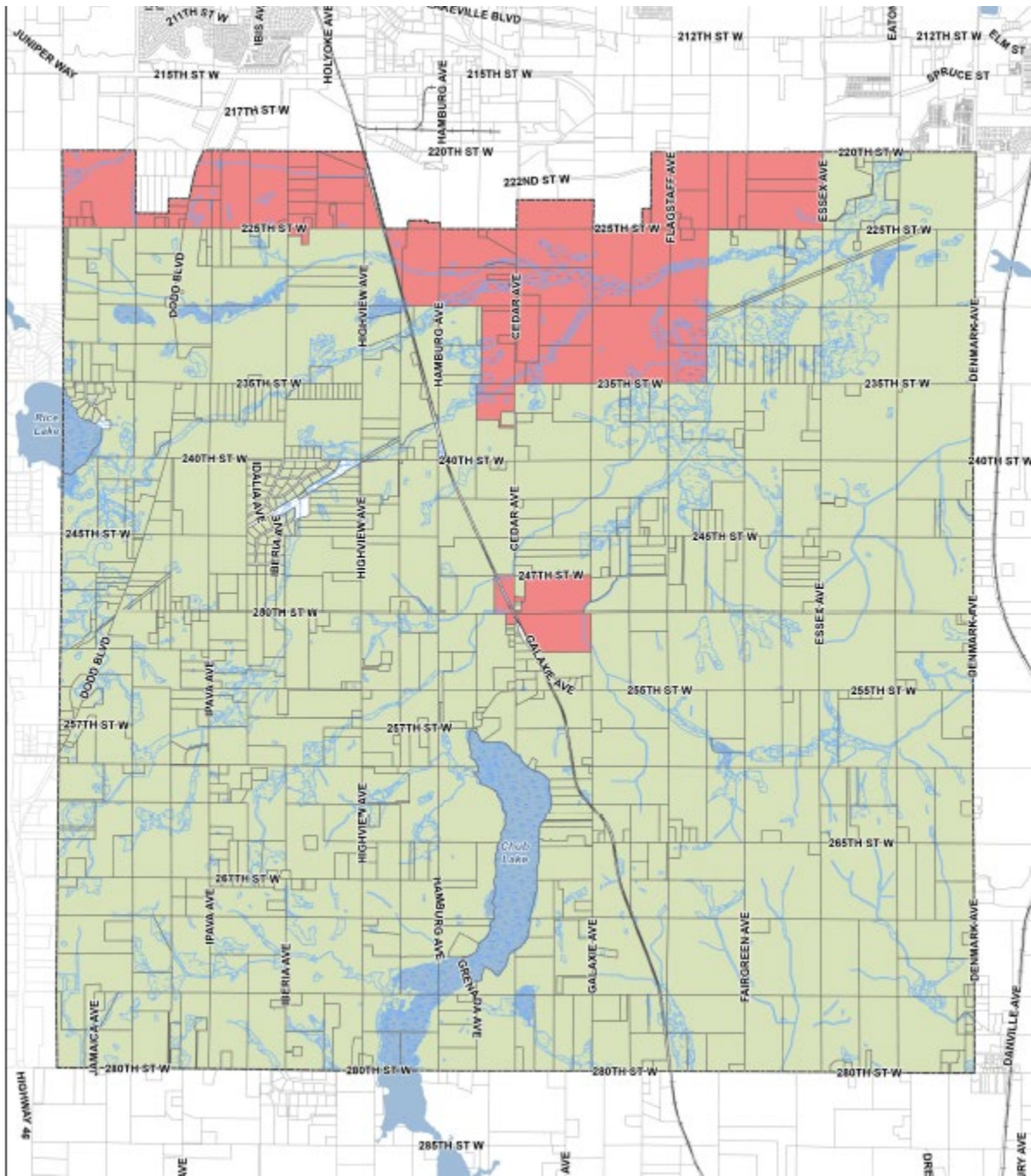
Respectfully submitted,

Liz Atwater, Town Clerk

Minutes Officially Approved By: \_\_\_\_\_ on: \_\_\_\_\_  
Town Chair Date

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Total</u>
05/13/2025	Payroll Period Ending 04/30/2025	11711	Payroll 04/16/2025-04/30/2025	\$ 2,213.92
05/13/2025	Payroll Period Ending 04/30/2025	11712	Payroll 04/16/2025-04/30/2025	\$ 1,082.05
05/13/2025	Payroll Period Ending 04/30/2025	11713	Payroll 04/16/2025-04/30/2025	\$ 780.11
05/13/2025	Frontier Communications	11714	Escrow Refund	\$ 2,500.00
05/13/2025	JSI Engineering	11715	Escrow Refund	\$ 2,500.00
05/13/2025	Northern States Power Company	11716	Escrow Refund	\$ 2,500.00

05/13/2025	RW Communications	11717	Escrow Refund	\$ 2,500.00
05/13/2025	Metrofibernet, LLC	11718	Escrow Refund	\$ 2,500.00
05/13/2025	JSI Engineering	11719	Escrow Refund	\$ 2,500.00
05/13/2025	Frontier Communications	11720	Escrow Refund	\$ 2,500.00
05/13/2025	Royal Credit Union	11721	Transfer to Money Market	\$ 296.21
05/13/2025	Elizabeth Atwater	11722	April Mileage	\$ 37.10
05/13/2025	Mark Ceminsky	11723	April Road Mileage	\$ 256.20
05/13/2025	City of Farmington	11724	1 <sup>st</sup> Quarter Fire Contract	\$ 15,815.83
05/13/2025	Grossman Companies	11725	Shared Plowing	\$ 414.00
05/13/2025	Grossman Companies	11726	Shared Grading	\$ 2,277.00
05/13/2025	Grossman Companies	11727	Plowing Asphalt	\$ 6,141.00
05/13/2025	Grossman Companies	11728	Garbage	\$ 480.00
05/13/2025	Grossman Companies	11729	Chubb Lake Road Clean up	\$ 1,335.00
05/13/2025	Grossman	11730	Grading March and April	\$ 15,490.50
05/13/2025	Inspectron	11731	Inspections	\$ 584.16
05/13/2025	JTN Communications	11732	Internet	\$ 199.00
05/13/2025	Kennedy & Graven	11733	Enforcement matters	\$ 3,265.50
05/13/2025	MATIT	11734	Insurance	\$ 3,913.00
05/13/2025	Metro Alarm & Lock	11735	Quarterly Billing	\$ 90.00
05/13/2025	Metro Sales	11736	Copier Rental	\$ 121.67
05/13/2025	Plunkett Pest Control	11737	Annual Contract	\$ 540.49
05/13/2025	VOID	11738	VOID	\$ 0.00
05/13/2025	T&C Cleaning	11739	April and May	\$ 340.00
05/13/2025	Town Law Center	11740	Legal	\$ 5,935.20
05/13/2025	WSB	11741	Planning and Zoning	\$ 1,881.00
05/13/2025	Internal Revenue Service	20250513EFT	April Payroll Tax	\$ 3,738.36
05/13/2025	PERA	20250513EFT	April	\$ 1,327.69
05/13/2025	MN Unemployment	20250513EFT	Quarter 1, 2025 Unemployment	\$ 11.97
05/13/2025	Dakota Electric	20250513EFT	Electric	\$ 173.52
05/13/2025	DSI	20250513EFT	Garbage May	\$ 163.05
05/13/2025	Visa	20250513EFT	Adobe, zoom, domain	\$ 230.22
05/13/2025	Point North	20250513EFT	April and May Billing	\$ 1,049.00



**EUREKA TOWNSHIP  
DAKOTA COUNTY  
STATE OF MINNESOTA**

**RESOLUTION 2025-**

**RESOLUTION CLOSING AND BARRICAIDING GRENADA AVE**

**WHEREAS**, the Town Board is the road authority for town roads in Eureka Township pursuant to Minn. Stat. § 164.02; and

**WHEREAS**, the Town Board works with limited road and bridge funds set by a levy determined by the town electors at the annual town meeting; and

**WHEREAS**, the Town Board finds that Grenada Avenue as described in Appendix A, pose particular maintenance and safety problems because of its physical structure, wetlands, and flooding, and are especially costly to keep open; and

**WHEREAS**, the Town Board determines keeping Grenada Avenue over Chub Creek would impose an unreasonable burden on the Town's maintenance funds given its low level of use and its unique attributes making maintenance costly.

**WHEREAS**, town boards have the authority under Minn. Stat. §§ 164.152 & 160.16 to close and barricade town roads.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of Eureka Township, Dakota County, Minnesota that Grenada Ave over Chub Creek and as described on the attached Appendix A, shall be closed effective as of the date the Town Board barricades and places proper signage on the road.

Adopted this 10<sup>th</sup> day of June 2025.

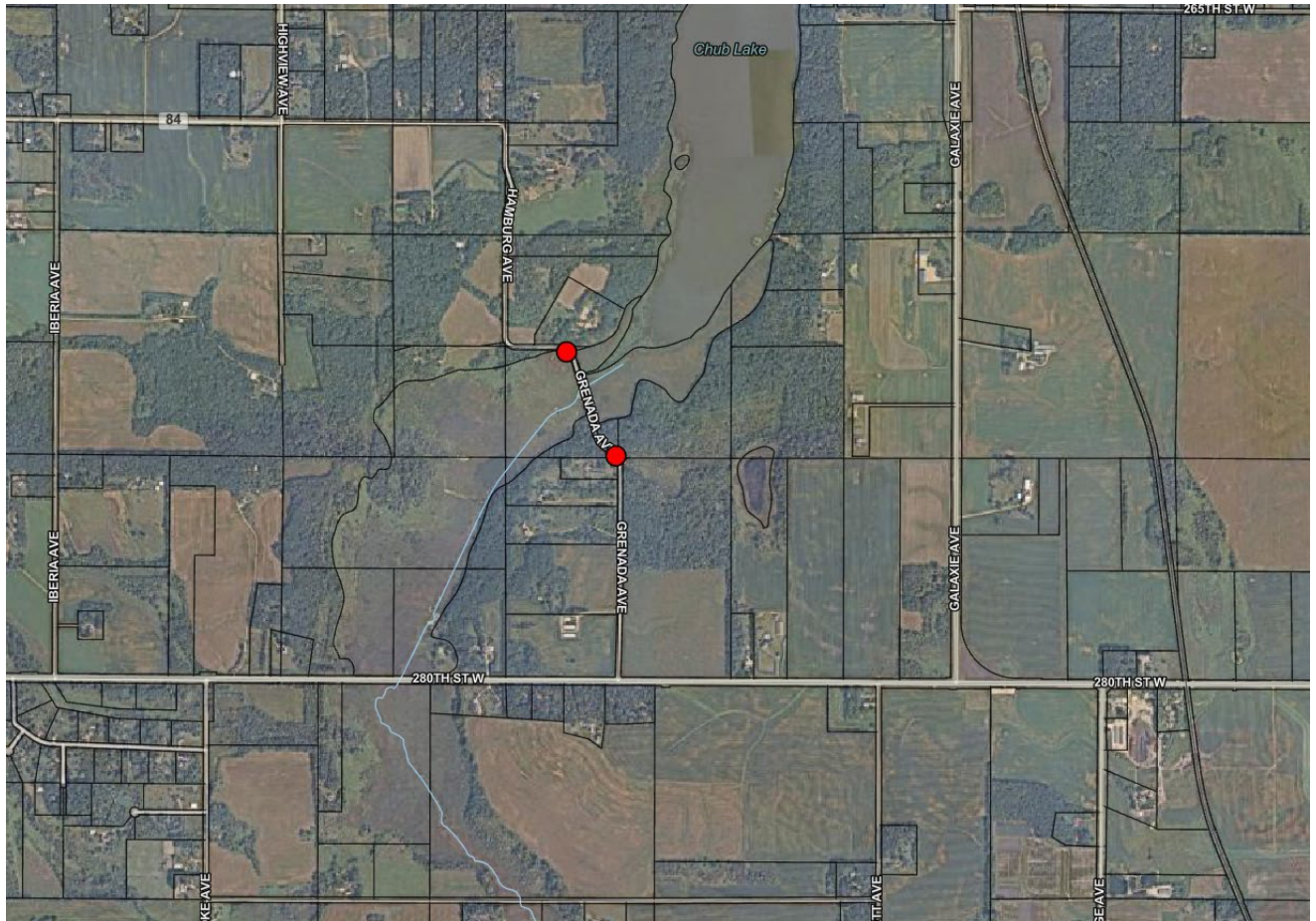
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Mark Ceminsky, Town Chair

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Liz Atwater, Town Clerk/Treasurer

## Appendix A





**JOINT POWERS AGREEMENT  
CITY OF FARMINGTON -TOWN OF EUREKA  
SHARED ROAD MAINTENANCE AGREEMENT**

This Joint Powers Agreement (“**Agreement**”) is entered into by and between the City of Farmington, a Minnesota municipal corporation (“**City**”), and Eureka Township, a Minnesota public corporation (“**Town**”).

**WHEREAS**, Minn. Stat. § 471.59 authorizes local governmental units to jointly or cooperatively exercise any power common to the contracting parties, and Minn. Stat. § 164.14 authorizes a town and adjoining city to provide equitable division of costs and responsibilities to be borne by each entity for a road on the line between a town and city; and

**WHEREAS**, Farmington and Eureka share a common border; and

**WHEREAS**, the portion of 220th Street from CSAH 31 (Denmark Ave.) to Essex Avenue (such portion, the “**Road**”) is on or along the boundary line between the City and the Town as shown on the map attached hereto as Exhibit A.

**WHEREAS**, the City has a planned public project to install 10-inch sanitary sewer lines within the 220<sup>th</sup> Street roadbed; to install a 12-inch water trunk lines on the northern edge of the 220th Street roadbed; and to pave the portion of the 220th Street roadbed where the sanitary sewer and water trunk lines are to be installed, all in the general location depicted on the attached Exhibit B (collectively, the “**Project**”);

**WHEREAS**, the City and Town previously entered into a Joint Powers Agreement effective October 15, 2018 (“**Prior JPA**”) regarding 220<sup>th</sup> Street and Flagstaff Avenue and the parties desire to update the agreement between the parties to address a utility project the City desires to undertake on 220<sup>th</sup> Street and to reflect the fact that Flagstaff Avenue is no longer maintained pursuant to the Prior JPA; and

**WHEREAS**, The City and Town desire to enter into this Agreement to specify how the parties will assign the maintenance responsibility for the Road as required by state law for line roads.

**NOW, THEREFORE**, in consideration of the mutual undertakings herein, the parties agree as follows:

**1. 220<sup>th</sup> STREET**

**A. Project Construction.**

- i. Authorization. The Town authorizes the City full access to the Road right-of-way as needed to construct the Project, without charge to the Town, between the period of April 1, 2025, through November 1, 2025, or through the date of substantial completion of the Project, whichever is later, for the purpose of completing the construction of the Project.

- ii. **Improvements.** The City agrees it will install as part of the Project lateral stubs for the sanitary sewer and water for properties on the south side of 220th Street and extend such service stubs to those owners upon request at no cost to the Town or the property owner. Any connection to and use of these services and stubs will be subject to a separate Utility Connection Agreement between the City and Town.
- B. **Maintenance of Improved Portion.** The City agrees to assume full responsibility for maintaining the portion of 220<sup>th</sup> Street from the eastern boundary of the shared road to the western edge of the box culverts, including any costs associated with repairing or replacing the Bridge 96495 located over the Vermillion River. The City agrees as part of its obligation to maintain the box culverts that it will clean them by no later than November 1, 2025.
- C. **Maintenance of Western Portion.** Maintenance of the portion of 220<sup>th</sup> Street west of the box culverts to Essex Avenue ("**Western Portion**") shall be shared between the City and the Town in accordance with the following:
  - i. The Town will be responsible for administering maintenance activities of the roadbed to keep it smooth and in good repair for the passage of traffic and free from all obstructions and impediments to traffic. This includes but is not limited to: grading, spot graveling, washout repair, dust-coating and snow control.
  - ii. The Town and City will be responsible to pay the costs of labor, materials, hauling, and grading proportional to the area within its respective jurisdiction.
  - iii. In the event that the Town and City mutually agree that additional road gravel, beyond spot graveling, is needed, the Town shall be responsible for such work. The Town and City shall each pay the costs of labor, materials, hauling, and grading proportional to the area within its respective jurisdiction.
  - iv. When a culvert lies within both jurisdictions and the Town and City mutually agree that replacement is needed, the Town shall be responsible for such work.
  - v. The Town and City shall each pay one-half (½) of the costs of labor, materials, hauling, and grading for the work performed on the Western Portion of the Road.
  - vi. The Town and City shall each be independently responsible for all other maintenance activities on the Western Portion including, but not limited to, brush maintenance, mowing, signs, and litter on their respective sides of the Road.
- 2. **Working Standards.** Work performed by either the City or Town, or their respective contractors, under this Agreement shall comply with the following:
  - A. Furnish all labor, materials, supplies, tools and other items necessary for the performance of the work provided for in this Agreement. All materials used shall conform to the requirements of the Minnesota Department of Transportation

Specifications for Construction, most current edition and all amendments and supplements thereto.

B. The Road subject to this Agreement may be partially blocked for the period of time necessary for the performance of the services specified herein. In cases of emergency, a road may be wholly blocked to prevent passage of traffic. At no time, however, shall a road be obstructed for a longer period of time than is reasonably required for making the necessary repairs. A road may also be closed at such time as is necessary for the repair or installation of water or gas mains, electric or telephone cables, or sewers. Except in cases of emergencies, ten (10) days written notice shall be provided to the other party prior to the commencement of such installation or repairs. A suitable detour shall be provided at any time it is necessary to close or totally block traffic from using a road.

C. All partial and total closures of a road shall be carried out in conformance with the current edition of the Minnesota Manual on Traffic Control Devices (MMUTCD).

3. **DELEGATION.** Each party hereby delegates to the other party such authority as may be needed for the designated party to perform the maintenance work as assigned in accordance with the terms of this Agreement.
4. **LIABILITY AND INDEMNITY.** Each party shall be liable for the acts or omissions of its respective officers, agents and employees. Each party agrees to indemnify and hold harmless the other from any claims, losses, costs, expenses or damages, including reasonable attorney fees, resulting from the acts or omissions of the respective officers, agents or employees of the indemnifying party to the extent such acts or omissions relate to activities conducted by the indemnifying party under this Agreement or in the construction of the Project. Nothing herein shall be deemed a waiver of any statutory or common law limitations on liability available to either of the parties. For the purposes of determining total liability, the parties shall be considered a single governmental unit and their total liability shall not exceed the limits for a single governmental unit as specified in Minnesota Statutes, Section 466.04.
5. **TERMINATION.** This Agreement may be terminated by either party by giving a ninety (90) day written notice to the other party of its intent to terminate. Either party may terminate this Agreement for cause by giving seven days' written notice of its intent to terminate to the other party. Such notice to terminate for cause shall specify the circumstances warranting termination of the Agreement. Cause shall mean a material breach of this Agreement and any supplemental agreements or amendments thereto. Upon notification, the receiving party shall have seven days to cure or respond to the notifying party of its intent to cure. If the notifying party is not satisfied with the response, and further discussion or efforts to resolve the dispute are not successful, the dispute shall be resolved as set forth in Section 8 of this Agreement. Termination of this Agreement shall not discharge any liability, responsibility or right of any party, which arises from the performance of or failure to adequately perform the terms of this Agreement prior to the effective date of termination.
6. **NOTICES.** For the purpose of delivery of any notice required by this Agreement, notice shall be effective if delivered certified or registered United States mail, return receipt requested, postage prepaid or hand delivered to:



City of Farmington:     City of Farmington  
                                 Attention: City Administrator  
                                 430 Third Street  
                                 Farmington, Minnesota 55024

Town of Eureka:             Town of Eureka  
                                 Attention: Town Chair  
                                 25043 Cedar Avenue  
                                 Farmington, Minnesota 55024

or at such other address as either party may notify the other in accordance with this Section.

## **7. TERMS OF PAYMENT**

- A. The party responsible for the work shall submit an invoice to the authorized agent of the other party for payment of the work completed. Payments shall be made within thirty (30) days after the later of the receipt of invoice for services performed or the acceptance of such services by the authorized agent of the City.
- B. Any disputes relating to payment for services shall be handled pursuant to paragraph 8 of this Agreement.

## **8. DISPUTES AND REMEDIES**

The Town and City agree as follows:

- A. Negotiation. If a disagreement over interpretation of any provision of this Agreement should arise, the City and the Town shall direct staff members, as they deem appropriate, to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- B. Mediation. If the parties to this Agreement are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Agreement, the parties shall seek relief by submitting their respective grievances to mediation. The parties shall jointly agree on a mediator or shall request that a mediator be appointed by American Arbitration Association. The parties shall share equally in the costs of such mediation.
- C. Adjudication. If the parties to this Agreement are unable to resolve disputes, claims or counterclaims after submitting their respective grievances to mediation, either party may seek relief through initiation of an action in a court of competent jurisdiction.

## **9. MISCELLANEOUS**

- A. In the event that any provision contained in this Agreement should be breached by either party and thereafter waived by the other party, such waiver shall be limited to the

particular breach so waived and shall not be deemed to waive any other concurrent, previous or subsequent breach hereunder.

- B. This Agreement contains the entire agreement between the parties and supersedes all oral agreements and representations between the parties relating to the subject matter thereof.
- C. All documents regarding the Project shall be handled in accordance with the Minnesota Government Data Practices Act.
- D. Each party, to the best of its respective knowledge, represents and agrees that no member, official or employee shall have any personal interest, direct or indirect, in this Agreement or the Project nor shall any member, official or employee participate in any decision relating to this Agreement or the Project which affects his or her personal financial interests or the interest of any corporation, partnership or association in which he or she is, directly or indirectly, interested.
- E. Any alteration, variation, modification or amendment of this Agreement shall be valid only if in writing and executed by both parties.
- F. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part or parts that are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to either party.
- G. The titles of sections of this Agreement are inserted for convenience of reference only and shall be disregarded in constructing or interpreting any of the provisions hereof.
- H. This Agreement shall be interpreted under the laws of Minnesota.
- I. This Agreement may be executed in any number of counterparts, each one of which will constitute one and the same instrument.
- J. This Agreement supersedes and replaces the Prior JPA, which is hereby repealed.
- K. The Recitals at the beginning of this Agreement, and the Exhibits attached to this Agreement, are each one true and correct, and are incorporated into and made part of this Agreement.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed on their behalves on the date last written below.

**CITY OF FARMINGTON**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Attest: \_\_\_\_\_

**TOWN OF EUREKA**

Date: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

**EXHIBIT A**  
Map of the Road



**EXHIBIT B**  
**Map of City Project Location**



***Eureka Township***  
*Dakota County*  
*State of Minnesota*

**RESOLUTION 2025-**

**RESOLUTION TO AMEND RESOLUTION 2025-09**

**WHEREAS**, the Board of Supervisors of Eureka Township approved resolution 2025-09;

**WHEREAS**, Township Ordinance Part I: Administrative provisions, Chapter 62 Planning Commission, 62-5 Time and Place of meetings states: The Planning Commission shall have monthly regular sessions at the times and on the days shown by the schedule of regular meetings. The schedule shall be adopted by resolution of the Board of Supervisors at the reorganizational meeting and shall be kept on file at the Town Hall.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of Eureka Township, Dakota County, Minnesota hereby amends the following schedule of Planning Commission meetings:

July 1, 2025	November 25, 2025
July 29, 2025	December 30, 2025
August 26, 2025	January 27, 2026
September 30, 2025	February 24, 2026
October 28, 2025	March 31, 2026
	April 28, 2026

\*Typically the last Tuesday of each month.

All Regular Scheduled Planning Commission Meetings shall commence at 7:00 p.m.

Whereupon the Chairperson declared the Resolution to be duly passed and adopted on \_\_\_\_\_, 2025 by the Eureka Town Board.

\_\_\_\_\_  
Town Board Chair

\_\_\_\_\_  
Liz Atwater, Clerk/Treasurer



# Voting Equipment Replacement Overview 2025

## Summary

Dakota County’s voting equipment is quickly becoming outdated, leading to challenges in reliability and efficiency. As election standards evolve and voter expectations increase, upgrading to the next generation of voting equipment is critical to ensure trust in the electoral process, compliance with regulations, ease of use, and accessibility for all voters.

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## Background

### Current State of Equipment

The County’s voting equipment was deployed in 2015. With proactive care and preventive maintenance, ballot tabulators have been successfully used in over 40 elections. Users are seeing slower processing times and a higher level of ongoing maintenance. Additionally, the accessible voting hardware has already reached the end of its life and does not efficiently or dependably support voters with disabilities.

### Growth in Population and Equipment Use

Dakota County’s current voting equipment was originally deployed in 2015 and the number of eligible voters in our county has increased over 10 percent since that time. Equipment was projected to be used 2-3 times each year but at least 4 elections have been conducted each year since 2019. Rigorous testing requirements demand that each ballot is scanned multiple times to check for accuracy and reliability, both in preliminary and public accuracy testing.

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## Proposed Solution

Invest in new, state-of-the-art voting equipment that:

1. **Enhances Security:** Incorporates advanced encryption and other features to prevent tampering.
  2. **Improves Accessibility:** Meets ADA standards and provides equitable access for voters with disabilities.
  3. **Increases Efficiency and Voter Trust:** Reduces wait times, streamlines ballot processing, and minimizes potential for errors. Enhances overall trust in the electoral process.
  4. **Supports Scalability:** Accommodates future growth in voter participation.
- 

## Risks of Inaction

Outdated voting equipment poses risks to the integrity and efficiency of our elections. Delays and equipment malfunctions frustrate voters and can lead to longer lines, potentially disenfranchising voters. Repairing outdated equipment is increasingly expensive, laborious, and less cost-effective over time. Costs are increasing as maintenance and repairs will continue to rise as equipment ages. Additionally, security vulnerabilities and inefficiencies may erode public confidence in elections.

## Equipment Certification Process

Voting equipment certification begins with the U.S. Election Assistance Commission (EAC), through a painstaking application, testing, and review process. In Minnesota, pursuant to Minn. Stat. § 206.57, an electronic voting system must be certified by the Minnesota Secretary of State and tested by a testing authority accredited by the EAC or tested by a federal agency (i.e. the EAC) pursuant to the Voluntary Voting Systems Guidelines (VVSG). This limits the equipment that is available for use to those that have been tested and/or certified by the State.

As of April 2025, there are three vendors which have equipment approved for use in Minnesota: Dominion Voting Systems, Hart InterCivic, and Election Systems & Software (ES&S). The breakdown of usage among counties is listed below:

- ❖ Dominion Voting Systems: Aitkin, Crow Wing, Dakota, Mahnomen, Scott, and Sherburne
  - ❖ Hart InterCivic: Big Stone, Chisago, and Ramsey
  - ❖ ES&S: Anoka, Blue Earth, Hennepin, Olmsted, Rice, Washington, and all other MN Counties
- 

## Cost-Share Plan

This project is estimated to cost \$5 million, which will include the initial equipment purchase (e.g., tabulators, software, peripherals) and training for staff. In previous voting equipment purchases, Dakota County assumed 50% of the cost, while city and township partners assumed the remaining 50%. Recent cost share agreements for services and poll pad equipment have included school districts in the cost share. This cost-share agreement shall be structured so that Dakota County would assume 65% of the cost, city and township partners would assume 30% of the costs, and school districts would assume 5% of the costs.

In previous election cost-share agreements, Dakota County has allowed partners to split up-front costs into multiple years to reduce the immediate budget impact. We will allow our municipal partners the same flexibility in this agreement, instituting a five-year payment structure with payments beginning in 2027.

---

## Timeline

1. Create cost-share agreement with municipal partners (April-May 2025)
  2. Conduct transparent, collaborative RFP process (April – October 2025)
  3. Deploy/ implement equipment and train County staff, clerks, and election judges (Jan – July 2026)
  4. Utilize equipment for August 11, 2026 State Primary Election
- 

## Conclusion

Investing in modern voting equipment is not just a financial decision but a commitment to maintaining the integrity and trustworthiness of our democratic process. This project will help ensure secure, efficient, and accessible elections for all voters in our jurisdiction.



## **COST SHARE AGREEMENT BETWEEN**

Eureka Township

### **AND COUNTY OF DAKOTA**

#### **FOR ELECTION HARDWARE, SOFTWARE, AND RELATED SERVICES**

This Cost Share Agreement ("Agreement") is entered into by and between the Eureka Township ("Municipality"), 25043 Cedar Avenue, MN 55024, and the County of Dakota ("County"), 1590 Highway 55, Hastings, MN 55033. Municipality and County are referred to individually as the "Party" and are collectively referred to as the "Parties".

**WHEREAS**, pursuant to Minn. Stat. § 471.59, two or more governmental units, by agreement through action of their governing bodies, may jointly exercise powers common to the governmental units; and

**WHEREAS**, under Minn. Stat. § 206.805, the parties are empowered to purchase election hardware, software and related services; and

**WHEREAS**, the County, along with cities and townships in Dakota County, shared the cost for the purchase and implementation of voting equipment in 1998 and 2015; and

**WHEREAS**, the Parties are desirous of cooperating to purchase a replacement for the current voting equipment system for use by the Parties and other cities, townships, and school districts in Dakota County who enter into separate Cost Share Agreements with the County (collectively, the "Governmental Units").

**NOW, THEREFORE**, in consideration of the premises and covenants contained herein and subject to the provisions of Minn. Stat. § 471.59, the Parties agree as follows:

### **I. PURPOSE**

A. The purpose of this Agreement is to authorize the County to purchase election hardware, software and related services for the Parties and to establish the obligations of the Parties with respect to their use and maintenance.

### **II. TERM**

A. The term of this Agreement shall commence on the Effective Date, which is the date when all signatures of the Parties are obtained and shall remain in full force and effect until the Expiration Date, which is the date when the Vendor Contract entered into pursuant to Section III(A) terminates, this Agreement is terminated as provided herein, or by operation of law, whichever occurs first. This Agreement may be extended by written mutual agreement of the Parties.

### III. DUTIES OF THE COUNTY

The Vendor Contract includes hardware, software, licensing, and maintenance.

A. Solicitation. In conformance with the provisions of Minnesota law, the County will prepare a Request for Proposals (RFP) for an electronic voting system that meets the requirements of all Minnesota statutes and rules, including Minn. Stat. § 206.57, to be used by all local government units in Dakota County, including the Parties. The County will consult with the Municipality in preparation of the RFP. The solicitation will consist of a competitive process consistent with state law applicable to such solicitation.

The RFP will include vendor-supplied technical maintenance and regular maintenance and upgrades of the election hardware and software, wherever stored, for at least five (5) years from the date of purchase, including assurances of sufficient parts, supplies and accessories, warranty service, and will seek to obtain a trade-in allowance for all electronic voting systems owned by Dakota County.

B. Award of Contract. The final decision on the vendor to whom the contract shall be awarded will be made by the Dakota County Board of Commissioners. The contract will be awarded to a vendor whose proposal meets all of the standards for voting systems required by Minnesota law. The County will defend and indemnify the Municipality, its elected officials, employees and/or agents and hold them harmless from all claims and damages arising out of the solicitation process and the award of contract for the election hardware, software and related services.

C. Repairs and Maintenance. The County will arrange for all necessary repairs, maintenance and upgrades to the election hardware and software between election seasons.

D. Purchase and Delivery. The County will arrange for the purchase and delivery of election hardware and peripherals.

E. Licenses. The County will obtain all licenses and other rights necessary for the Municipality to use the election hardware and software for its intended use. The County will defend and indemnify the Municipality, its elected officials, employees and/or agents and hold them harmless from all claims and damages arising out of any license, copyright or other intellectual property right.

F. Insurance. The County will include the election hardware and software on its commercial property casualty insurance coverage.

G. Ownership. The County will own the election hardware and software purchased pursuant to this Agreement, regardless of where the election hardware and software may be stored or used.

#### IV. DUTIES OF THE MUNICIPALITY

A. Existing Election Hardware and Software. To the extent the Municipality has ballot tabulation equipment or ballot boxes in its possession, it will turn such equipment over to the County.

B. Storage, Handling and Service. The Municipality must provide safe storage and handling of the election hardware and software when such equipment is in the Municipality's possession. The Municipality will report any needed hardware and software maintenance, in writing, to the County. Any election hardware or software problems on election days may be reported to the County orally.

C. Payment.

- a. Upon award of the contract, the County will first pay sixty-five percent (65%) of the purchase price and apply trade-in credit received, if any, to each of the election hardware and software packages purchased. The Municipality will pay its pro rata share of the remaining cost, by percentage, for the election hardware and software packages purchased by the County for the Municipality as identified in Appendix A.
- b. Payment by the Municipality to the County will be made in five (5) equal annual installments, without interest, on or before January 31<sup>st</sup> of each year beginning in 2027 and ending in 2031. The Municipality may prepay installments at any time without penalty. The Municipality will pay the County within forty-five (45) calendar days of receipt of an invoice from the County.
- c. The Municipality will pay to the County its pro rata share of the annual maintenance costs for the election equipment. The Municipality will pay the County within forty-five (45) days receipt of an invoice from the County.

D. Operation of the System. Municipality shall operate in compliance with the following General Conditions Governing Operation of the Electronic Voting System:

- a. Municipality shall distribute voting equipment to precincts in the quantities advised by the County in each election held in the Municipality through the term of this Agreement.
- b. Municipality must only use the polling place and election procedures approved by or from the County or the Minnesota Secretary of State.

## V. INDEMNIFICATION

A. Municipality. The Municipality will defend and indemnify the County, its elected officials, employees, and agents and hold them harmless from all claims and damages arising out of the use, transport, storage, handling, or maintenance of the voting equipment, which are attributable to the intentional, willful, or negligent acts or omissions of the Municipality, its elected officials, employees, or agents.

B. County. The County will defend and indemnify the Municipality, its elected officials, employees, and agents and hold them harmless from all claims and damages arising out of the solicitation and award of the Vendor Contract and arising out of the transport, handling, or storage of the voting equipment attributable to the intentional, willful, or negligent acts or omissions of the County, its elected officials, employees, or agents. The County does not warrant, nor does it indemnify the Municipality for performance of or failure to perform by the Contract Vendor. Nevertheless, the County will pursue any and all rights it may have with respect to warranties, when requested by the Municipality or when necessary, to assure conformance with the intended use of the voting equipment.

C. Municipal Tort Claims Act. It is understood and agreed that the provisions of the Municipal Tort Claims Act, Minn. Stat. Ch. 466, and other applicable laws govern liability arising from the Parties' acts or omissions. Each Party warrants that it is able to comply with the aforementioned indemnity requirements through an insurance or self-insurance program and that each has minimum coverage consistent with the liability limits contained in Minn. Stat. Ch. 466. For purposes of determining total liability for tort damages which may arise from this Agreement, the Parties are to be considered a single governmental unit.

## VI. STATE AUDIT

Under Minn. Stat. § 16C.05, subd. 5, each Party's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six (6) years from the Expiration Date of this Agreement.

## VII. GOVERNMENT DATA PRACTICES

For purposes of this Agreement, all data created, collected, received, stored, used, maintained, or disseminated by the Parties in the performance of this Agreement is subject to the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and its implementing rules, as well as any other applicable State or Federal laws on data privacy or security.

Each Party shall provide the other Party with prompt notice of a breach of the security of data defined in Minn. Stat. § 13.055, subd. 1(a) or suspected breach of the security of data and shall assist in remedying such breach. Providing or accepting assistance does not constitute a waiver of any claim or cause of action for breach of contract.

The Parties shall promptly notify each other when any third-party requests data related to this Agreement, the voting equipment, or the Vendor Contract.

## VIII. VENUE

Venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate court of competent jurisdiction in Dakota County, Minnesota.

## IX. TERMINATION

A. The County will notify the Municipality if its Governmental Unit Share as stated in Appendix A is projected to increase. Small cities and townships that utilize mail balloting will not be subject to this Agreement. Otherwise, the Parties must mutually agree to terminate this Agreement in writing by the undersigned or their successors.

B. Termination. This Agreement shall remain in effect until the occurrence of any one of the following events:

- a. Termination is necessitated by operation of law or as a result of a decision by a court of competent jurisdiction.
- b. The Agreement entered into pursuant to Paragraph III(B) above has expired or has otherwise been terminated.
- c. Parties mutually agree to terminate Agreement.

## X. MISCELLANEOUS PROVISIONS

A. Severability. The provisions of this Agreement are severable. If any provision of this Agreement is void, invalid, or unenforceable, it will not affect the validity and enforceability of the remainder of this Agreement, unless the void, invalid, or unenforceable provision substantially impairs the value of the entire Agreement with respect to either Party.

B. Assignment. No Party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other Party and an assignment agreement, approved and executed by all Parties to this Agreement, or their successors in office.

C. Amendments. Any amendment to this Agreement must be in writing and is not effective until approved and executed by all Parties to this Agreement, or their successors in office.

D. Waiver. If any Party fails to enforce any provision of this Agreement, such failure does not waive the provision or its right to enforce it.

E. Contract Complete. This Agreement contains all negotiations and agreements between the Parties. No other understanding regarding this Agreement, whether written or oral, is binding on any Party.

F. Compliance with Laws. The Parties shall abide by all Federal, State and local laws, statutes, ordinances, rules and regulations now in effect or hereinafter adopted pertaining to this Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Municipality and the County have caused this Agreement to be executed on their behalf.

COUNTY OF DAKOTA

TOWN OF

Eureka

By: \_\_\_\_\_

By: \_\_\_\_\_

Mark Ceminsky, Board Chair or Designee

Name: Tom Novak

Date: \_\_\_\_\_

Title: PSR Division Director

By: \_\_\_\_\_

Elizabeth Atwater, Clerk or Designee

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

/s/Tom Donely 05/16/2025

Assistant County Attorney/Date

File No. KS- 25-212

**Appendix A: COST PROJECTIONS FOR INITIAL EQUIPMENT PURCHASE\***

\*The information in this Appendix A is informational only and based on all Governmental Units identified in the chart executing a Cost Sharing Agreement and a total Purchase Price of \$5,000,000. If one or more of these factors changes, the Municipal Share will likely increase.

	<b>Voters</b>	<b>Percentage</b>	<b>Amount</b>	
Dakota County	289,935	65%	\$ 3,250,000	
Cities/Townships	289,935	30%	\$ 1,500,000	
School Districts	289,935	5%	\$ 250,000	

<b>Municipality Share</b>	<b>Voters</b>	<b>% of Reg Voters</b>	<b>Amount</b>	<b>Annual Payback</b>
Apple Valley	35,995	12.4%	\$ 186,382	\$ 37,276
Burnsville	37,579	13.0%	\$ 194,584	\$ 38,917
Castle Rock Twp	998	0.3%	\$ 5,168	\$ 1,034
Coates	98		\$ -	\$ -
Douglas Twp	536	0.2%	\$ 2,775	\$ 555
Eagan	45,746	15.8%	\$ 236,873	\$ 47,375
Empire	2,022	0.7%	\$ 10,470	\$ 2,094
Eureka Twp	1,088	0.4%	\$ 5,634	\$ 1,127
Farmington	14,909	5.1%	\$ 77,199	\$ 15,440
Greenvale Twp	624	0.2%	\$ 3,231	\$ 646
Hampton City	440	0.2%	\$ 2,278	\$ 456
Hampton Twp	630	0.2%	\$ 3,262	\$ 652
Hastings	15,061	5.2%	\$ 77,986	\$ 15,597
Inver Grove Heights	23,212	8.0%	\$ 120,192	\$ 24,038
Lakeville	49,329	17.0%	\$ 255,426	\$ 51,085
Lilydale	802	0.3%	\$ 4,153	\$ 831
Marshan Twp	882	0.3%	\$ 4,567	\$ 913
Mendota City	148	0.1%	\$ 766	\$ 153
Mendota Heights	9,119	3.1%	\$ 47,218	\$ 9,444
Miesville	88		\$ -	\$ -
New Trier	62		\$ -	\$ -
Nininger Twp	631	0.2%	\$ 3,267	\$ 653
Northfield	989	0.3%	\$ 5,121	\$ 1,024
Randolph City	297	0.1%	\$ 1,538	\$ 308
Randolph Twp	560	0.2%	\$ 2,900	\$ 580
Ravenna Twp	1,738	0.6%	\$ 8,999	\$ 1,800
Rosemount	18,686	6.5%	\$ 96,756	\$ 19,351
Sciota Twp	340	0.1%	\$ 1,761	\$ 352
South St. Paul	12,322	4.3%	\$ 63,803	\$ 12,761
Sunfish Lake	435	0.2%	\$ 2,252	\$ 450
Vermillion City	307	0.1%	\$ 1,590	\$ 318
Vermillion Twp	918	0.3%	\$ 4,753	\$ 951
Waterford Twp	395	0.1%	\$ 2,045	\$ 409
West St. Paul	12,949	4.5%	\$ 67,050	\$ 13,410